the DEVIL'S OWN BRIGADE

A History of the Lyttelton Gaol 1860-1920

by David Gee

the DEVIL'S OWN BRIGADE

The Devil's Own Brigade is the story of the former Lyttelton Gaol. The gaol, demolished 50 years ago, grew up with the province of Canterbury and housed the country's worst criminals.

Tales of violence, desperation and heart-break were found within prison walls. These tales come out in *The Devil's Own Brigade*.

This book tries to avoid dry statistics of admissions and daily routine; instead it brings to life the trials and tribulations of men (and women) inside the high, grim walls.

Many records of the gaol have disappeared and so the author combed newspapers and prison reports to unearth the story of Lyttelton Gaol. It is the story of men who offended against society and the men who looked after them during their enforced stay.

It is the story of the famous and infamous: there is the imprisonment of Paddy Webb, a member of Parliament, and the hectic times when madman murderer Lionel Terry was held in Lyttelton Gaol. *The Devil's Own Brigade* is about escapes, fights, floggings and hangings. There are tales of the hard-labour gang and even a strike of prisoners.

Prisons still remain - but not like Lyttelton. David Gee brings to life the story of that gaol.

...ND REGULATIONS

...R THE

...TON GAOL

15 At 12 o'clock the prisoners are to dine, at which time the hard-labor men are to be brought in, if at labor at a reasonable distance from the Gaol; they will resume their work at 1 p. m., and continue at work, except as hereafter specified, until 5 p. m.

16 At dinner in the Gaol each prisoner will appear with clean hands and face.

17 On their return from work the hard-labor men will be assembled and the names of all the prisoners will be called over, during which they will be searched by the Warders on duty.

18 The prisoners will then wash and clean themselves. When supper will be served.

19 At 6 p. m., the prisoners will be locked up in their appointed cells.

20 During weather too wet, to admit of out-door work, the prisoners will be employed in the performance of such work as shall be provided by the Gaoler.

21 Prisoners of classes 1 and 2 are not compelled to labor but they may volunteer to work with the hard-labor men by permission of the Gaoler.

22 Prisoners not sentenced to hard labor may be put to work, not severe.

23 The above regulations respecting hard-labor men apply to all prisoners working in the gang either under sentence or voluntarily.

24 On one day of the week, to be appointed by the Gaoler, the prisoners are to attend Divine Service.

25 Each prisoner (unless specially excused) is to attend Divine Service and prayers at the appointed times, and to behave himself with the greatest propriety.

26 Each prisoner on application to the Gaoler will be provided with a Prayer-book and Bible, which he is hereby prohibited from in any way injuring or defacing.

27 Unless otherwise ordered, on Saturdays, out-door work is to cease at 4 p. m. From 4 to 5 o'clock each prisoner is to be employed in shaving, washing and cleaning himself for Sunday. Each prisoner is to have a clean shirt once a week, and a clean pair of trousers once a month.

28 Prisoners of class 4, and prisoners of class 3 under sentence for longer than one week, are to have their hair cut close once a month and to be close-shaved once a week.

29 No prisoner, on any pretence is to be allowed to converse with any of the officers of the Gaol.

30 Prisoners in health are on no account to be allowed to lie in bed during the day.

31 Singing, conversation and angry expressions are strictly prohibited.

32 Games and amusements of any kind are strictly prohibited.

33 Tobacco, unless by especial permission, is strictly prohibited.

34 Any prisoner desirous of making any application or complaint to the Visiting Justices will be allowed to do so at their visit to the Gaol.

35 Every prisoner is to receive notice from the Gaoler the evening before his discharge, and upon leaving the Prison is to be strictly searched.

36 Whatever articles he was dep... the Gaol are, unless forfeite... thority, to be returned to hi...

37 The provisions of these regul... plied to female prisoners so f... will admit. Females sentence... will be kept to suitable har... precincts of the Gaol.

38 The provisions of these reg... those having especial refere... men, are applicable to prison...

39 Every prisoner awaiting trial ... hours exercise in the airing y... the morning, and two hours ... every day; when there are ... prisoners they will exercise ... Gaoler shall see fit.

40 At the hour of exercise each ... watched by the Warders on ... no pretence leave their sight ... to an attempt to escape from ... will apply to an attempt to ... ther circumstances.

PUNISHMENT REGU...

41 Every prisoner who shall b... the offences next and here... that is to say, —

1 Refusing or neglecting to obe... of any of the officers of the G...

2 Holding or attempting to hol... others than officers of the Ga...

3 Assaulting a prisoner.

4 Insolence or threatening viol... or officers of the Gaol

5 Injuring or destroying the pr... ernment.

6 Profane swearing, or using o... playing at games or gambling ... to the disturbance of the othe...

7 Smoking, or supplying to, or ... of a prisoner to whom the in... ed, tobacco, pipes, or other a...

8 Any other conduct subversi... der, or good government of ... punishable by being placed ... ment for any period not exce... a diminution of his rations.

42 Every prisoner who shall be ... offences next and hereinafter ... say, —

1 Attempting to escape.

2 Conniving at, and concealin... tempting to escape.

3 Assaulting any officer of the ... tion to any punishment to w... Superior Courts for such offe... tenced, be punishable by s... for any period not exceeding ... any one time, and not to be r... terval than forty-two days, ... the whole four weeks, and by ... as mentioned in the former re...

43 Every prisoner who shall be g... offences next and hereinafter m... say, —

1 Mutiny or outbreak.

2 Assaulting an officer, with i... bodily harm.

3 Setting on fire, or attempting ... gaol-building or other proper... tion to any punishment to wh... tenced as above, be punishab... finement for any period not ... days at any one time, and no... a less interval than forty-two ... ceeding six calendar months i... diminished rations.

44 The above punishments may ... Visiting Justice, upon due p... the commission of the offence ... such punishment is awarded.

45 Every sentence of punishment ... of the offence, shall be entered ... port Book, and signed by the ... such sentence of punishment sh... in the Journal.

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TTEMPT TO ESCAPE.

ner leaving his allotted place, while at th intent to escape, or otherwise mak- ttempt to escape, will render himself e shot by the Guard or other person in arge he may be, and each prisoner is ntioned that if he makes any such at- does so at his own risk and peril.

RATIONS.

of rations is to be as follows: —
lb bread, 1 lb meat, 1 lb potatoes, 3 oz
½ oz tea, ½ oz sugar, ½ oz salt, ½ oz soap,
acco, (weekly.)
lb bread, 1 lb meat, 1 lb potatoes, 3 oz
½ oz tea, ¾ oz sugar, ½ oz salt, ½ oz soap,
bread, water ad libitum.
tion is the ordinary hard-labor ration.
ll be the ordinary ration for prisoners rd labor.
tion will be given as a punishment.
s are to be supplied except as above an order from the Visiting Surgeon. al rations may be ordered by the Visit- eon, when necessary for health. But rders shall be given in writing to the nd preserved by him.

VISITING DAYS

s and friends of any prisoner awaiting be permitted to visit such prisoner on , between the hours of 12 and 2 p. m., plication at such times to the Gaoler: other day and at no other time, under nce whatever. This privilege may be by misconduct on the part of the pri-

oner awaiting trial is at liberty, between s of 10 a. m. and 4 p.m., on any day of , excepting Sunday, to have private in- with his legal adviser.

s above, no person will be allowed to y prisoner without an order from the Justice. Every such visit must be in nce of the Gaoler, and must not last n twenty minutes.

LETTERS.

rs from the legal adviser of any prison- ng trial will be received and delivered such prisoner, provided such letters are n the outside by such legal adviser.

s are allowed to write letters once in two nly, more frequently if desired, by per- of the Visiting Justice. All letters are hrough the Gaoler's hands. Any guard officer in the establishment conveying or from prisoners in violation of this e subject to immediate dismissal.

OFFICERS of the GAOL.

ler shall every day inspect every yard, ery etc., of the Gaol, and shall see that are kept clean and well whitewashed.

iler shall see every prisoner once in 24 nd once a week shall go through the pri- ncertain hours of the night, entering the the Journal.

57 The Gaoler shall examine the locks and bolts of all the cells, wards, gates, etc., daily.

58 The most exact order and cleanliness is to be enforced by the Gaoler; every warder or other officer on duty is to report to the Gaoler every defect or neglect connected with the prison.

59 The Gaoler is to attend upon the Clergy and Visiting Justices, during their visits to the Gaol.

60 The Gaoler shall never sleep out of the Gaol without a written authority.

61 Upon occasions of any irregularity, or breach of discipline by any prisoner, the Gaoler is to report same forthwith to the Visiting Justice.

62 officer of the Gaol shall strike (unless in self- se) or shall illtreat a prisoner.

63 No officer of the Gaol shall receive visitors inside the Gaol.

64 No officer of the Gaol shall sell, or have any benefit or advantage from the sale of, any article to any prisoner, nor have any pecuniary dealing or transaction whatever with a prisoner, or employ one in any way in a private capacity.

65 No officer of the Gaol shall receive, either directly or indirectly, any fee or gratuity, either from contractors for the establishment, or from prisoners, or from any person visiting the Prison.

66 No officer of the Gaol shall use tobacco or spirits within the Gaol yards or walls.

67 Any officer of the Gaol seen in the Prison in the least degree intoxicated, or seen gambling will be immediately dismissed.

68 No officer of the Gaol is to converse with prisoners except in discharge of his duty, or on subjects connected therewith.

69 On an alarm being heard, all warders and officers of the Gaol are to turn out fully armed to await the orders of the officer in charge.

DUTIES of WARDERS on GUARD.

70 Warders on guard, unless when acting as overseers, are not to hold any communication with prisoners except on matters of discipline.

71 Warders on guard are never to be without arms, to consist of a musket, bayonet, and pistols, with six rounds of ball-cartridge.

72 Warders on guard are not to allow any prisoner to approach any nearer to them than ten paces, nor to permit any prisoner to go beyond the prescribed limits without the overseer's order.

73 On any prisoner passing, or attempting to pass, the prescribed bounds, it is the duty of the warder on guard to challenge him by calling out "stand prisoner," with the prisoner's name or number. On this challenge being repeated twice, and the prisoner neglecting or refusing to stand, then it shall be lawful for the warder on guard, or other officer, to use his weapons, and in case of inability to prevent escape by other means, to fire on the prisoner to prevent his escaping.

74 On the escape of any prisoner the warder on guard shall give an alarm, but on no account shall he leave the gang without the orders of the Gaoler.

75 Warders on guard are justified in using their arms to prevent prisoners from assaulting each other, or any other person.

76 The warder on guard is to cause a sufficient supply of pure water to be kept near the prisoners for drink.

77 Warders on guard with each gang are to receive from the Gaoler the number of the gang. They are to count the same at least every half-hour. They are to report to the Gaoler any irregularity in the conduct of the prisoners.

GENERAL REGULATIONS CONNECTED WITH THE GAOL.

78 A notice-board is to be fixed in some conspicuous place inside and outside the Prison, cautioning persons against bringing spirits, liquor, tobacco, pipes, or other forbidden articles into the Prison, or within the Gaol yard.

79 A proper Register, Journal, Special report Book, Account Books etc., are to be regularly kept, and to be open to the inspection of the Visiting Justices.

80 Every cell is to be washed out at least every other day.

81 The greatest cleanliness is to be enforced all throughout the Gaol buildings and yards, and with respect to the prisoner's clothing, bedding, etc.

82 All food is to be locked up beyond access of the prisoners; every person within the Gaol is strictly prohibited from giving additional food to any of the prisoners.

83 No dog (except a guard dog) or other animal shall be kept on the Gaol premises.

84 The Gaoler may employ one or more prisoners in the service of the Prison, but not in any private capacity.

85 All cases of sickness, or reputed sickness, are to be at once reported to the Visiting Surgeon.

86 No servant of the Gaol, nor any prisoner can sit as a Juror on an inquest held upon the body of any person who has died in the Prison.

87 Notice of the death of a prisoner must be given to the Coroner, and to the relations of the deceased when these can be ascertained.

88 The rules of the Prison are to be read to all the prisoners once a week.

VISITING MAGISTRATES.

89 Should visit the Gaol weekly in turn. Once a month two Visiting Justices should visit the Gaol together.

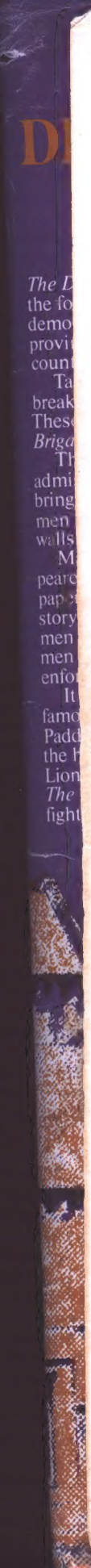
90 At each visit, Visiting Justices should inspect the different classes of offenders, the yards, solitary cells, and every other division or department of the Prison.

91 Visiting Justices should hear any complaint or application of any kind which any prisoner may have to make.

92 Visiting Justices should report any matter of importance to the Superintendent.

93 Visiting Justices should report refractory offenders, and may, for the purpose of punishment, order prisoners to be placed on reduced rations, in solitary confinement, or in dark cells, and in urgent cases may order the use of Irons.

94 Visiting Justices should report quarterly upon the state of the Gaol-building, and upon any repairs lately done, or which require to be undertaken. Also upon any abuses connected with the Gaol, and upon the general condition of the prisoners as to health, morals, discipline, observances of the rules, etc.



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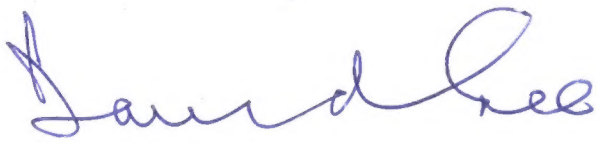

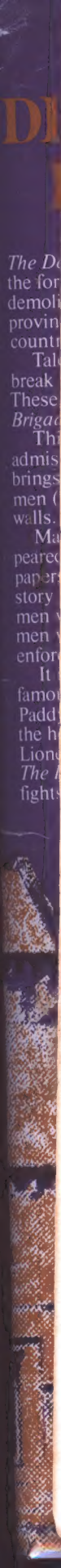

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CHAPTER ONE

The First Hanging

Lyttelton, April 16, 1868. The early hour fixed for the execution meant that the usual trains from Christchurch to Lyttelton were unavailable and a special train had to be ordered to convey the necessary officials and representatives of the Press. The train started shortly after seven o'clock and made the journey in about 16 minutes. About half a dozen persons, who had assembled at the Christchurch station in the hope of going by the special to witness the execution, were left behind. The streets of Lyttelton were thronged from an early hour, but beyond a few, who ascended to St David's Street on the hillside overlooking the gaol yard, the inhabitants contented themselves with keeping aloof from the gaol and conversing together in small groups.

To prevent the execution being witnessed from the hillside, a palisade had been erected on the north and east sides of the gaol roof. This completely concealed the scaffold and one or two men having climbed onto the roof were soon dislodged by the police.

A few minutes before eight o'clock the sheriff and party were admitted to the gaol yard and preparations began for the execution. The scaffold was erected in the inner and smaller yard of the prison, commonly used for washing purposes. The steps leading on to the platform faced the entrance to the yard and were almost close to the door.

The platform was about six feet high and ten feet in width by eleven in length. The beam from which the rope descended was about eight feet above the platform, and the drop was a little over five feet.

A few minutes after eight the sheriff, accompanied by the hangman, proceeded to the cell where Swales permitted himself to be pinioned without remark or evincing any signs of fear. At eleven minutes past eight the procession was formed in the usual manner. On entering the yard the prisoner, holding one of the Rev. E.A. Lingard's hands and with the Rev. Knowles on the other side, gave one hasty glance around the enclosure but betrayed no signs of trepidation.

He appeared to stoop a little in his gait and was slightly pale but no more so than any one could be expected to be after so long a confinement in prison. He appeared to be no thinner than when he was tried but had allowed his beard to grow. He was dressed in a pair of his own trousers and a loose black serge coat that descended to his knees.

Retaining his hold of the Rev. Lingard's hand, he ascended the steps with a firm tread. He then shook hands with both ministers and the sheriff and placed himself at once on the drop. The hangman then advanced and drew the usual cap over Swales' head and fixed the rope; in doing this, he exhibited a little nervousness and it was fully two and a half minutes before everything was ready.

During the fixing of the rope Swales kept repeating: "Oh Lord have mercy on me, Oh Christ have mercy upon me, Oh God, forgive me my sins." At the commencement his voice was perfectly steady and his hands, as he raised them to the extent permitted by the rope pinioning the upper part of his arms,

were devoid of any nervous shaking. As the time in placing the rope was prolonged his voice became slightly tremulous and his hands shook a little.

All arrangements being completed, the ministers began repeating the burial service and the drop fell at 8.16am as the words "In the midst of life we are in death" were uttered. After falling, the body remained almost stationary for upwards of a minute and then a few comparatively slight convulsive struggles took place, the hands moving up and down.

At 8.22am Drs Nedwill and Powell went beneath the scaffold and, after a short examination, pronounced life to be extinct. At five minutes to nine the body was lowered into a shell prepared for it and a jury having been empanelled, the usual inquest was held before the coroner, Mr J.W. Coward. Drs Nedwill and Powell had in the meantime examined the body and pronounced death to have been caused by strangulation, the vertebrae being uninjured. A verdict was returned accordingly. The usual official document testifying to the proper execution of the law was then signed by those who witnessed the proceedings and thus ended the first execution in the province of Canterbury. The number of persons involved was about 20. The sheriff and other officials returned to Christchurch by the ten o'clock train.

That was the execution of murderer John Dinsley Swales, the first hanging in the province and the first in Lyttelton Gaol. The gaol was then barely a decade old but only in April, 1862, had it been proclaimed a place for the execution of criminals.

Seven men were to hang within the high walls of the Lyttelton Gaol but thousands more were to spend various periods incarcerated. A prison in those early days was a place which confined its inmates beyond all physical possibility of escape.

It meant rigorous physical restraint with its limits so solidly and securely set that it mattered not whether the prisoner accepted his fate philosophically or not. At the time of the gaol's demolition one writer said: "The early days were those of the cat and the triangle, of the 70lb dragging irons, the days of scanty clothing, poor food, the days when the warder was king. Punishment was his right, and the cat, solitary confinement, bread and water and the galling chains were dispensed with a liberal, albeit callous, hand."

That, then, was Lyttelton Gaol in its early years. One reprobate was moved to comment on conditions in Lyttelton Gaol: "Well, I've been in every gaol in England, but I'll be — if I was ever in such a bad gaol as this."

Top right: The beginnings of Lyttelton in 1850.

Bottom right: The immigration barracks, the biggest building built in the port, about 1850.

camping out
Jan
Lytte
1851

Lyttelton N.Z.
10 Jan. 1851
Immigration Barracks

A view of Lyttelton when the first four ships arrived in 1850. The province's first gaol was built close to the houses on the left.

CHAPTER TWO

A Gaol in the Town

Canterbury's, and therefore Lyttelton's, beginnings in England with Edward Gibbon Wakefield and his friends are well known and have been exhaustively written about. But why, if the city of Christchurch was carefully planned, did the gaol come to be built in one of the main thoroughfares of Lyttelton?

Preparations for the new city got underway in July, 1849, when the ship *Bee* brought surveyors, carpenters and other tradesmen. John Johnson, in his book *The Story of Lyttelton*, says that later about 120 North Island Maoris were brought for navvying work. In September, 1849, the town was divided into half-acre sections and the lines of the streets were fixed. The jetty was built (later described as the finest in the country) and "four excellent houses" were erected on the east side of Oxford Street ready for immigrants due in four ships which were to lead Canterbury's migrant influx.

But about half of the first arrivals were to be housed in barracks and work on these, the cookhouse and the washhouse was pushed ahead.

Regardless of careful immigration selection, as Lyttelton grew it was natural that some residents could not keep to the straight and narrow. Anyone offending around the year 1850 was brought before the Akaroa magistrate, John Watson, an Irishman with a humorous disposition. He preferred to give a caution rather than a fine and a fine rather than an imprisonment. When he was short of court work he helped with work on the roads or farm.

If locking up was necessary the prisoner had to make the trip from Lyttelton to Akaroa with Watson. He used to walk or ride from Akaroa to Pigeon Bay (20 miles) and then take a boat to Lyttelton. If the water was too rough he rode to Purau from Akaroa (45 miles) and then caught a boat across the harbour. In spite of the distance of the journey he sometimes held a bi-weekly court at Lyttelton in 1850. Those offenders Watson took back to Akaroa were put in one of the three blockhouses, originally built as stockades against a possible Maori uprising.

Conditions in Akaroa's gaol were not too tough. According to a thesis by Miss Margaret Hunter in 1929 entitled *The History of Early Lyttelton From a Social Aspect*, the prisoners were "well looked after, having three good meals a day and as much tea as they liked."

They were marched out at 8am to start work on the roads which, with a break of an hour for dinner, continued until 5pm. After tea, however, they could smoke or play whist or cribbage and about 6pm they were locked up. However, the kindly Watson gave them their own oil lamps and the prisoners could go to bed whenever they pleased.

Most sentences in those days were generally short and the offences mostly trifling — drunken fights or petty theft. It is possible that Watson started the first weekend parole for prison inmates; for on Saturday afternoons, as well as doing their own washing, they could chop wood for any neighbour who would pay for their services with tobacco. If they were longer at the chore than "the gaoler had patience to postpone his tea, they were left to lock themselves up." But that was only after the prisoners had

Top left: Edward Wakefield ... his dreams of colonisation Canterbury off to its beginnings in 1851.

Top right: John Robert Godley, the founder of Canterb Province. He was Lyttelton's first resident magistrate.

Bottom left: John Watson, Lyttelton's first magistrate, pictured with his wife. He showed some compassion towa prisoners.

Opposite page: The first four ships at anchor as the immigra are ferried into Lyttelton.

promised that when they went in they would "put the key in the little hole where you will find it when you come down, honour bright."

By April 1850, however, John Robert Godley, sent to supervise the establishment of the province, had arrived to prepare for the arrival of the first ships. He found 25 houses in Oxford Street as well as tents, Maori whares in wattle and daub, and the occasional Irish sod hut. He was greatly impressed with the progress.

Godley was soon appointed the resident magistrate of Lyttelton and a clergyman in the late 1850s wrote of him: "Godley administered such ample justice as the present state of crime in Lyttelton required. That is not very appalling. Cases brought before him arise chiefly out of quarrels between seamen and captains of ships, assaults and small robberies committed by old hands."

Those needing detention in the very early days found themselves in makeshift lock-ups. One used was a Maori whare, so small that one prisoner walked off with it. An often-quoted story tells of another early lock-up "being taken for a walk." It was weatherboard with a raupo roof and provided the handful of residents with what one writer described as "a right good joke." The story goes: "A bunch of deep seamen drew upon themselves the attention of the authorities and were duly locked up. The gaoler had occasion to leave the lock-up for a time and when returning was amazed to see the gaol walking down to meet him. The men had punched holes through the floor for their legs, had picked the whole structure up and were carrying it down to the ship."

For a time Godley dispensed his justice in the headquarters of the Canterbury Association. Court proceedings were conducted downstairs with offenders being held upstairs until they were taken off to the lock-up. The room was small, about ten feet by eight feet, with a slanting ceiling. An average-sized man could stand only in the middle of the room.

The walls quickly became covered with the scrawlings of prisoners. One wrote that the magistrate might "die the death of a rat; a shaking between the dog's teeth."

As the first four ships were making ready to leave Gravesend in England in 1850 Lyttelton grew slowly. And on December 16 that year few Lyttelton residents would have been far away from the jetty. *HMS Fly*, of 18 guns, was at anchor off the township. Governor Sir George Grey had arrived in her to play his part in the inauguration of the new settlement. Then, in the early morning on a beautiful summer day, the *Charlotte Jane* arrived. She had left England on September 7, 1850 — her trip was 99 days. At 3.30pm that day the *Randolph* arrived. Then the next morning the *Sir George Seymour* arrived and ten days later the *Cressy* completed the arrival of the four. She took longer because she travelled a more northern and warmer route for the sake of the 100 or so children she carried. The other ships lost some children in bad weather.

A Gaol in the Town

A painting depicting the landing of immigrants.

The four had arrived: *Charlotte Jane*, 720 tons (125 passengers); *Randolph*, 761 tons (220 passengers); *Sir George Seymour*, 850 tons (227 passengers); and *Cressy*, 720 tons (155 passengers). The new province of Canterbury was underway. Within a year 19 ships arrived with migrants bringing a total of more than 3000.

The *Lyttelton Times* newspaper printed its first issue on January 20, 1851, within three weeks of the arrival of the press. The first report of a magistrate's court hearing in Canterbury contained an account of John Russell, able seaman, assaulting the captain of the *Randolph*. He was given the choice of a £2 fine or 14 days' imprisonment. It was not stated which he chose.

Samuel Bishop however received 14 days' detention for desertion from the *Cressy*, and Eli Salt was charged with stealing a door, the property of the Canterbury Association. He said it was lying beside some timber he had bought and he thought it was his.

It was in this year — 1851— that a start was made on the first buildings of the Lyttelton Gaol. The contractor was William Chaney, a stonemason who was a passenger on the *Randolph*. He had been brought out to build the Anglican Cathedral in the new city of Christchurch but as so little progress had been made in establishing the city he had to look around for other work.

He used free and prison labour for the gaol and much of the building was cornered and faced with stone brought from Quail Island in the middle of the harbour. Surrounding the building was a high wall of masonry but the gaol apparently could have been worse in appearance. Someone was moved to describe it: "It had a less forbidding appearance than many other gaols. It looked almost ecclesiastical." Perhaps that was Chaney's touch.

The new gaol took time to build but criminals did not cease their activities and crime continued in the port. John Robert Godley's wife, Charlotte, wrote to her mother in England in September, 1851, saying the Government brig called at Lyttelton again from Wellington: "He (the captain) is sent here now to

take our prisoners to Wellington for trial at the Assizes. We have four at present, three discharged soldiers, who generally are the worse characters, and one runaway sailor. It is very hard upon the witnesses having to leave everything and go up to Wellington, which may easily take them a month, if not more."

Mrs Godley added that she rather expected the brig to bring down the judge to try them in Lyttelton. She thought this for, in May, the Governor had proclaimed that "twice a year on October 15 and April 15 or soon after which day a circuit court be held at Lyttelton."

She got her way in the following November when a Supreme Court hearing was held, presided over by Mr Justice Stephens. Two men were found guilty, one of theft and another of embezzlement. They each received seven years' transportation. The *Lyttelton Times* commented: "On Friday evening (November 12, 1852) His Honour, accompanied by his legal retinue, embarked on board the government brig for Wellington taking two prisoners."

Top left: Charlotte Godley, wife of J.R. Godley, wrote to her mother about crime in Lyttelton.

Top right: Mr Justice Stephens, the first judge to appear in Lyttelton, but he took his prisoners to Wellington.

At this time the residents were showing concern over law and order. In a long letter to the *Lyttelton Times* a correspondent signing himself: "An unrepresented Tax Payer" pointed out that there were about 3000 Europeans in Lyttelton (it is now about a year since the first people had moved over the Port Hills to the plains) and he estimated that the 3000 were paying "£2 a year for man, woman and child in taxes." But he thought most of the money was being spent in Wellington. He said more should be spent in Lyttelton and added: "At Lyttelton there is a miserable lock-up, through the wall of which a prisoner once walked."

He went on to say that all the police had provided by the government were the policemen's dresses, carbines, handcuffs, barrows and picks for the hard labour men.

At that time Lyttelton had a police sub-inspector, a sergeant and six or seven privates of police. In Christchurch there were two constables. And Lyttelton was getting its "ecclesiastical" stone gaol.

Writing in *The Evolution of a City*, the author J.P. Morrison said: "Until about 1857 Lyttelton held pride of place as the chief town, even though Christchurch had been declared the capital of the province." Lyttelton had a newspaper and also had the chief post office, the only hospital, the gaol, the immigration barracks, warehouses and the custom house.

Morrison wrote: "The port also took precedence in cultural and social matters with its library, museum and the popular series of lectures in winter. Lyttelton established itself to be more progressive than the capital. The house of Godley was a popular meeting place for intelligent conversation of the day."

With Lyttelton showing the way to Christchurch it is easier to understand why the settlers decided to put the gaol in Lyttelton. They simply put it in the biggest town and erected it close to the site of the earlier lock-ups, the police station and Godley's headquarters which for a time were used as a court.

When the gaol actually opened for its first prisoner is not known. It was early in 1857 when the rules and regulations for the gaol were published, all 94 of them. But most sources give the completion date as 1861 and in that year the auctioneer Alport advertised the sale of the wooden building recently used as a lock-up. It was situated on the police reserve and "will have to be removed by the purchaser at his own expense within two days of the sale."

The size of the first stage of the gaol is not known. It was added to several times in its 60 years of use.

In any event, about ten years after those four immigrant ships arrived the new province had a prison (to become the largest in the Southern Hemisphere) where the conditions were terribly harsh and "cells are little tombs in which the solitary occupants must have found their abode too circumscribed and forbidding for hope to enter and lighten the cold monotony of misery."

It would be unreasonable however to be over-critical of the early penal system. Mr P.K. Mayhew, the director of the New Zealand penal division in the 1950s, wrote: "It was simple and primitive but in those days little else could be expected. By the standards of the time, the prisoners were not ill-treated, indeed most of them received better treatment than they could have expected if they had committed their offences in England."

Top right: Lyttelton Gaol was a prison surrounded by a residential area. The arrow in this 1896 photograph pinpoints the gaol at the end of Winchester Street. Above the gaol, surrounded by its own wall, can be seen the public cemetery where the bodies of several hanged men were buried.

Bottom right: This was one of the first buildings of the gaol to be constructed. The photograph was taken from an inner courtyard in 1897 and shows the ecclesiastical concept that marked the work of the stonemason William Chaney.

An early photograph of the growing port of Lyttelton with a row of sailing ships neatly in their berths. The arrow shows the high walls of the gaol in the centre of the town.

CHAPTER THREE

Clean Hands and Face

It is axiomatic to say that conditions were harsh by our standards in the very early days of Lyttelton Gaol. There seems to be no account written by a prisoner of those days although letters appeared in the *Lyttelton Times* and the *Press* which gave hints of the type of life led by inmates.

Transportation to Tasmania from New Zealand had been stopped in 1854 and the sentence of penal servitude instituted. In January, 1855, the sentence scale drawn up was:

Transportation for up to seven years commuted to penal servitude for four years;
Transportation for seven to ten years was commuted to penal servitude for four to six years;
Transportation for ten to fifteen years was commuted to penal servitude for six to eight years;
Transportation for life was commuted to penal servitude for life.

Any penal servitude prisoner who escaped could be sentenced to another five years' penal servitude and anyone who "rescued" these prisoners from gaol could be sentenced to ten years' penal servitude.

For ordinary prison offences a penal servitude prisoner could be sentenced to up to one month's solitary confinement. For more serious offences in prison they might be placed in irons, or be sentenced to a whipping of up to 50 lashes at a time or the original sentence of penal servitude extended by twelve months.

The sentence of penal servitude must have seemed that there was no future and little to live for. A prisoner could look forward to years of living in over-crowded, unhygienic conditions with no prospect of relief from the monotonous unpleasantness of gaol life. He would have no real opportunity to improve himself and the lack of privacy meant that he could undertake no study or constructive activity — even if he had been allowed to do so and if the means to do so were available.

Mayhew wrote: "For him each day and each year must have loomed ahead as an appalling, unchanging nightmare. The only variations would lie in trouble and in the chaplain's sermons on Sundays."

Up to 1880 all prisoners were divided into four classes: 1. Those awaiting trail or commitment by the Magistrate's Court. 2. Those committed for trial to the Supreme Court. 3. Those under sentence of the Magistrate's Court. 4. Those under sentence of the Supreme Court.

The classification of prisoners was the first rule of the Lyttelton Gaol, approved in 1857. Even a cursory examination of the rules and regulations shows clearly how rigorous life was inside the "ecclesiastical" gaol. There was certainly no singing, no conversation and no angry expressions but every prisoner was given a Bible and a prayer book.

There were no games and amusements allowed and tobacco, in the main, was banned. Prisoners in classes 1 and 2 could, under Rule 21, volunteer to work with the hard-labour gang. But anyone attempting to escape "will render himself liable to be shot by the guard."

All prisoners in classes 3 and 4 sentenced to a period of more than one week had their hair shaved off and this was repeated once a month.

The cells were opened at 6am between September 1 and April 10 and at daylight during the remainder of the year. The prisoners got 15 minutes to dress and make their beds and, if the weather was fine, take their bedding to the airing yard. Then they washed, had roll call, prayers were read and then breakfast. At 8.10am the hard-labour men mustered, roll call was held again and then they were marched out to work.

A prisoner entering gaol in the 1860s no doubt went through the same procedure as one would today. He was first searched and his name, age, country of birth, religion, height and general description were entered in the register. All possessions were then taken from the prisoner and also entered in the register. He got them back on release.

The prisoner was then ready to be locked up, although the prisoners in classes 3 and 4 would be marched off for their close haircut. They were issued with two cotton shirts (an additional red serge shirt for the hard-labour men), two pairs of trousers, a pair of boots, a coat, a hat or cap, a rug and two blankets. Besides the Government prison arrow on the coat, there was also Lyttelton Gaol's brand — the letter L. No underclothes were issued.

The clothing was usually in duck, or canvas, material. The coat or jacket and trousers were in off-white duck. Short-term prisoners wore full-length trousers while the more "permanent" prisoners had shorter trousers with long, striped stockings.

Then they were taken to their cells. It has been written that some cells were below ground at Lyttelton and they were filled in with rubble from the gaol when it was finally demolished. The authorities have always denied this and even from a count of the cells in the perspective drawing of the gaol, issued in 1923, there appears to have been sufficient number above ground. After all, some of the cell blocks were three storeys high.

The warder escorting the prisoner to his cell would probably have been armed. Under regulation No. 71 warders on guard were never to be without arms, to consist of a musket, bayonet and pistols, with six rounds of ball-cartridges. Nor were warders allowed to let any prisoner approach any nearer than ten paces. And never would warders talk to prisoners, unless it was a matter of discipline.

On one day of the week (usually Sunday) the prisoners could let loose at Divine Service. This was catered for under Rule 25 and, relatively speaking, the prisoner had plenty of time to prepare. Worked stopped on Saturdays at 4pm and from then to 5pm the prisoners were "employed in shaving, washing and cleaning himself for Sunday." Each prisoner received a clean shirt once a week. On Sundays sing they did. Many welcomed the Sunday service as a break in routine.

A Christchurch resident who played the organ in the gaol chapel on Sunday mornings recalled his visits: "I would knock at the gate. The guard would open the small door in the main gate and I would go in. The prisoners were at exercise in the courtyard (each walking around different coloured rings according to his class) and I'd tuck my head into my shoulder and walk across the yard. I tried to look behind me at the same time. At ten o'clock the men would file in with plenty of armed guards. Never in my life will I forget how well those men could sing." The chapel was situated in the centre of the main gaol block and was said to be "remarkable for good hearing." This was attributed to the solid walls and their rough surface.

Later the prisoners would go for the midday meal. It was always at noon and ended at 1pm. Even if the hard-labour gang was out of the gaol the meal was taken at the same time — year in and year out.

Rations were covered by Rules 47, 48 and 49. The number one ration of one and a half pounds of bread, one pound of meat, one pound of potatoes, three ounces of oatmeal, quarter ounce of tea, three-quarters ounce of sugar, half ounce of salt, half ounce of soap and two ounces of tobacco (weekly) was for the hard-labour gang. Number two ration, for ordinary prisoners not on hard labour, was: one pound of bread, half pound of meat, one pound of potatoes, three ounces of oatmeal, quarter ounce of tea, three-quarters ounce of sugar, half ounce of salt, half ounce of soap. No tobacco.

There was a number three ration — the punishment ration. It was simply: one and a half ounces of bread, water ad libitum. Only in 1974 were moves made to phase out punishment diets.

Someone's light-hearted view of a Lyttelton Volunteer off to the front. With his collection of gear he was hardly able to take on the police and warders with the hard-labour gang (see page 17).

The only way to get a variation of the rations was for the prisoner to get a special order from the visiting surgeon on grounds of health. But the chief gaoler at Lyttelton from 1888 (several years after improvements had been made to the whole prison system although diets might have been cut back) Matthew Michael Cleary, saw little wrong with prison food. When he was interviewed in 1919, nineteen years after his retirement at the age of 85, he said: "There are many men of a class who don't want to be out of gaol and would rather live in prison. Here they get well looked after, getting their bath once a week, good food and good clean clothes. As regards meals, I can tell you that men in gaol are better fed and better looked after than many people outside them. The morning breakfast consists of porridge and bread with tea. No milk is supplied for the tea but it is sugared. For the midday meal there is a good allowance of meat and soup while at five o'clock there is bread and tea. At Lyttelton we baked our own bread and I can tell you it was very good bread, too."

Gaoler Cleary, who was said never to have smoked or drank or even ever smiled, ended: "Whenever I heard grumbles about prison meals I know that those people are growling about what must be regarded as very good plain, wholesome fare."

Forty-three years later the rations for prisoners had changed little. The Prison Regulations, 1940, No. 2, laid down daily rations for working prisoners: bread 24 ounces, meat 16 ounces, oatmeal five ounces, potatoes 16 ounces, vegetables (green or root) six ounces, salt half an ounce, sugar two and a half ounces, tea quarter of an ounce, cocoa eighth of an ounce, milk quarter of a pint, butter two ounces, syrup (a week) half a pound. For those on light work the daily rations were: bread 16 ounces, meat eight ounces, oatmeal three ounces, potatoes 12 ounces, vegetables six ounces, salt half an ounce, sugar two ounces, tea quarter of an ounce, cocoa eighth of an ounce, milk quarter of a pint, butter two ounces.

Gaoler Cleary was born in County Clare, Ireland, in 1834 and joined the Irish Police before he was 17. By the time he was 20 he was a sergeant and he said this rapid promotion came because he saved a woman in Cork from drowning and for it he also received a Royal Humane Society medal. He left for Melbourne where he joined the Victorian Police in 1857. He resigned in 1861 to come to New Zealand. He became a warder in Dunedin Gaol and later took charge of the Hokitika Gaol (when Cleary went there the gaol was made of corrugated iron with wooden posts).

In 1882 he went to take charge of the Mount Eden Gaol in Auckland but stayed only a few months. He said he found the temperature too oppressive and asked to go back to Hokitika. This request was granted and he remained there until 1888 when he moved to Lyttelton.

His proud boast was that he never had a prisoner get away from his control in his 46 years of prison service. While he defended prison food in later years he certainly changed his stance on his attitude to smoking in prisons. In the same interview in 1919, Cleary said: "... all the world seems to be smokers and perhaps there is some good reason for the habit, as you will notice that doctors smoke when engaged in a certain class of work. I do not think if I went back to gaol life again that I would be as hard in regard to the rule concerning tobacco as I formerly was. The prisoners were allowed a fair issue of tobacco which had to last them a week. They could smoke at midday but many of them indulged surreptitiously at other times. I have known a prisoner to give away his dinner for a very small piece of tobacco, so strong is the craving among some of them for the weed. I recollect one time when I had a gang working putting the piles in at the wharf, a hard case of a prisoner, called Paddy, walked up to a man who was quietly smoking his pipe. Paddy took the pipe — a meerschaum — out of the man's mouth, had a few draws himself, and then threw it into the harbour. There were occasional fights among prisoners in the years but not very often. Sometimes two men would hit at each other and generally on investigation it would be found that the trouble had arisen through one stealing the other's tobacco."

The use of tobacco in prisons has been debated hotly and often over the years and while the hard-labour men were allowed it up to 1880 it was later banned completely from New Zealand prisons.

Even in 1974 a book of writings by prisoners in gaols in Britain mentioned tobacco. A 24-year-old man serving four years for an assault on a policeman wrote in *The Man Inside*: "I wonder why they don't set up cigarette factories in prison to produce a supply of cheap cigarettes for smoking by prisoners? It'd provide work for those making them and do away with the biggest single cause of trouble in all prisons which is the shortage of tobacco. Tobacco's the currency of the penal system because nobody can afford enough on what they earn, so if you deflated its value it'd save a tremendous amount of aggravation, it would."

Lyttelton Gaol was certainly never a cigarette-making factory but it has been described as an industrial prison. From the early days to the day it was closed down the inmates worked ... it has been said that half of the port of Lyttelton was built by prison labour.

CHAPTER FOUR

Working With the Road Gang

No idleness was tolerated in the gaol and it seems that if anyone benefited from all the labour it would have been the port of Lyttelton. Roads, walls and harbour works still stand as testimony to the industry of the convicts. From the day the gaol opened men worked outside the high walls, decorated on the top with broken bottle pieces and metal spikes. Even when it was demolished men were still brought back to the port to cart away the rubble for more harbour construction work.

Lyttelton Gaol, an industrial prison, supported itself and all the food was prepared by the female inmates who also kept the place scrupulously clean. They also took in outside washing, mostly for the Lyttelton Hospital and Orphanage and the Immigration Department.

In 1881 the gaol also obtained a baking contract for the orphanage. The men were taught some trades. Much of the Government printing and book binding was done in the gaol and all clothing and boots used by prisons throughout New Zealand were made in Lyttelton Gaol.

The prison's printing shop closed in 1897 because of protests made by a member of the House of Representatives. He said the shop was taking work away from unemployed printers in Canterbury. He also pointed out that training prisoners in the printing shop was increasing the problems of the unemployed printers when the prisoners were released.

It was the hard-labour gangs which did the work outside the gaol. The Lyttelton Harbour Board probably got the best deal and for one three month period the HLG did work to the value of £598 for only £147. Most of the work for the harbour board was on reclamation construction and building wharves. For the Lyttelton Municipal Council the HLG carried out road-making and wall construction. So reliant did the council become on prison labour that one meeting got quite heated over a suggestion that the labour was to be withdrawn from council use.

Residents of Lyttelton got used to seeing the HLG. For every day, except Sunday, it was a familiar sight as the red-shirted gang marched out of the gaol with its overseer and the armed guards. The guards could shoot to prevent escapes and they often did. No talking to the residents was allowed and they were told to keep at least ten paces from the prisoners.

There was one incident where someone ignored that rule and dire consequences resulted. The hard-labour gang was busy at 8.30am in London Street on September 21, 1863, when one of the Volunteers (off to fight in the Maori Wars in the North Island) left the steamer *Auckland* at the wharves and walked up to the gang. He offered one of the prisoners some tobacco but the warder in charge told him to clear off. The Volunteer refused and a scuffle broke out and the warder was soon knocked down. A prisoner tried to disarm the warder but several other people came to his aid. At the same time more Volunteers arrived and a good fight developed in the middle of the street. Two policemen arrived and several "respectable tradesmen" joined in the melee after the policemen had been "rather severely kicked about." Four Volunteers were finally apprehended and dragged, still fighting, all the way to the

police station. The HLG was immediately marched back to gaol and at 11am the four Volunteers appeared in the Magistrate's Court. A lieutenant from the ship asked for their release so they could join their ship and sail almost immediately but the application was refused. Whether the four joined their fighting friends from the HLG is not known.

Some members of the HLG were marched out to work in chains. One, a man named Butler serving a life sentence for murder in Dunedin, often had his legs manacled because of frequent assaults on fellow prisoners. A contemporary report said Butler marched along with a defiant air as his chains made a clanking noise. Butler was in trouble in June, 1881, with a fellow inmate called Irvine. Their cells were close and the trouble started when Irving referred to Butler's crime. They had "some words" the *Illustrated Press* of the day reported. Later, while working in the printing department, Butler tried to get a knife saying he wanted "a sharp one to pare his corns." Butler was discovered and locked in his cell but in the night he wrenched the leg off a small table in the cell. Next morning he hit Irving on the head. For that episode, called a "villainous act," Butler received 14 days' solitary confinement and three months in irons.

Few of the residents still living in Lyttelton remember the red-shirted men. One, Mr Hilario Banfield, a retired journalist of Walker Street, said: "One thing I know about the gangs working on the roads is they used to give my wife the eye and whistle at her." He said residents grew used to the gaol and the road gangs. "They became part of the scenery, part of the town. If they weren't there we might have missed them."

Another disturbance came in March, 1868. A prisoner called John Burnside was working with the HLG constructing a harbour breakwater when he ran off towards the Sumner Road. A warder, Robert Anderson, fired his rifle at him, aiming at his legs. He missed. Burnside continued up the road but Anderson, by going up the hill, got ahead of the prisoner and asked him to surrender. He refused to come so Anderson fixed his bayonet. Burnside started to run away again and, according to Anderson's evidence at an inquest in the gaol before a jury of residents and prisoners, he "chased him down the road with bayonet fixed." Anderson caught up with the prisoner again and they fought. In the struggle Burnside was stabbed through the arm and in the chest. He bled profusely and Anderson went for help. On his return Burnside was dead.

Medical evidence given at the inquest showed that Burnside had a mental illness and the jury urged the coroner to ask the authorities to separate "those of unsound mind from the other prisoners."

A more distinguished prisoner to escape while working on road works was the now infamous (or famous) James MacKenzie, the sheep stealer. His exploits have been exhaustively told in many publications, the most recent being James McNeish's *The MacKenzie Affair*. He escaped several times and caused such embarrassment for the chief gaoler at the time, Edward Seager, that he got MacKenzie deported. The cost of trying to keep MacKenzie locked up was too high. MacKenzie went to Australia and nothing more was heard of him.

But for most men with the HLG the work was back-breaking and unchanging. In most respects it was a thankless job but the prisoners must have enjoyed one celebration in May, 1864. For then, in celebration of the Queen's Birthday, the council "readily sanctioned" expenditure authorised by the chairman in giving each man of the gang, whose conduct was satisfactory, a pint of beer.

This delightful sidelight to the harsh realities of the gang is told by James D. Watson in *The First 100 Years: Municipal Government in Lyttelton*. He also tells of how in March, 1873, a councillor complained that some of the gang had been removed to Christchurch. He said he had always thought the prison labour was to be at the permanent disposal of the Lyttelton Council. At the next meeting the chairman expressed regret that the matter had been raised and added that the council had no authority in matters regarding the work of the gang.

But there was still plenty of work for the gang in the port for, by the next November, the council spent up to £30 on two trucks and the necessary gear to help the work of the HLG. But not everyone was in agreement over the use of cheap labour.

The general inspector, surveyor and architect for the council, Mr C.M. Igglesden, employed at £200 a year, did not think some of the work by the HLG was adequate and thought work should be let out to

Volunteers line up at Christchurch for inspection before leaving for the North Island. Some of them might have been involved in the fight with the jail warders ...

... or perhaps some of these Volunteers.

1.14.5.55

Sheriffs Office Lyttelton
May 14th 1855

Sir

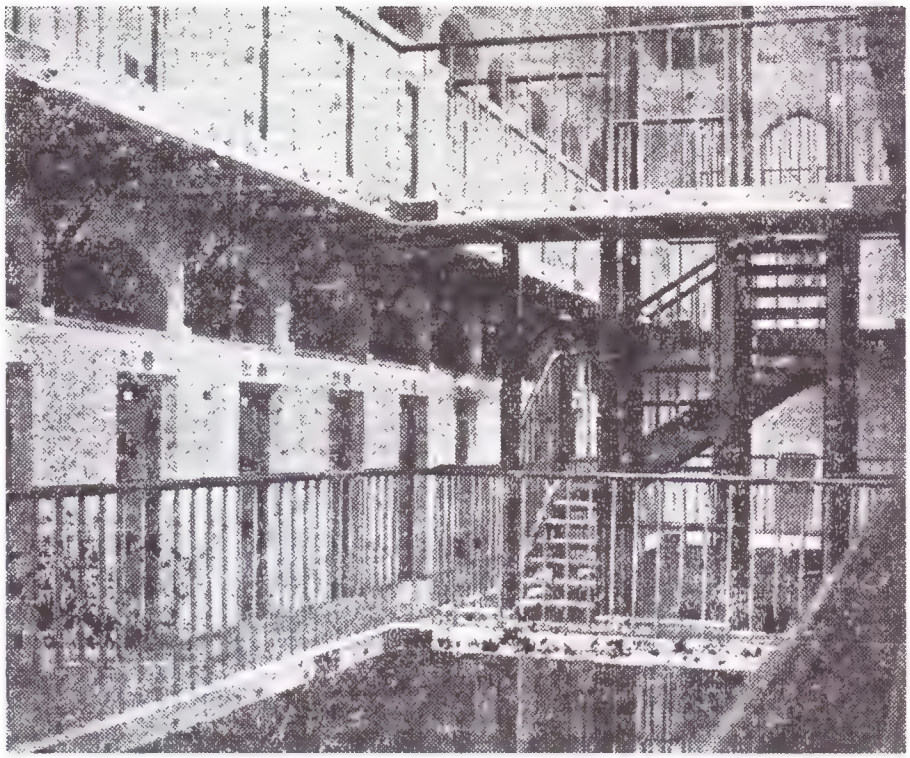
I beg to state for information of His Honor the Superintendent that the Prisoner James Mackenzie who effected his escape on Thursday last has been retaken and is again lodged in this Gaol. From the daring recklessness of the Prisoners character there can be no doubt that he will make a similar attempt on the first fair opportunity: I beg therefore to be informed whether I shall be legally justified in keeping Irons on him for the future, without which precaution no person can be made responsible for his safe custody

I have the honor to be
Sir
Your Obed Servant
Chas Sinclair
Sheriff

The Prov Secretary
&c &c &c

Sheep stealer James MacKenzie caused the gaol authorities all sorts of problems before he was finally deported. This letter from the files of Canterbury Museum was written on May 14, 1855, by Sheriff Charles Sinclair to the Secretary of the Provincial Council. It is a request for permission to place MacKenzie in leg irons following his recapture after an escape a few days earlier. The letter notes that if this was not done "there can be no doubt that he will make a similar (escape) attempt on the first fair opportunity." The Sheriff got his way.

Right: The west wing of the gaol when it housed the more dangerous prisoners. The lift in the centre of the wing is surmounted by a platform where warders stood on guard.



Below: This is one of the few photographs ever taken of Lyttelton Gaol. The main gate in Oxford Street has one of its doors invitingly open and the house of the gaoler is on the left. The prison had 13 officers in 1877 to control 105 inmates but by the next year it had 19 warders. The gaoler's salary in those days was £300 a year, the chief warder's £160. Warders received between £125 to £150 and seven of them were paid another £25 house allowance.

tender. He told the council that the number of workers fluctuated, the work could be better as many of the men were not suited to the road work because they had pursued different occupations before sentence. He also thought that prison discipline was lenient and the HLG could not be expected to do a fair day's work against their will. Mr Igglesden added: "In the long run, from the waste of time and material, I fear the municipality will be a loser by what at first appears a boon, viz., the free use of prison labour." The council did not heed his advice and continued to use the HLG.

In 1874 the gang was levelling a site for a Lyttelton School, right next to the prison's south wall, and as late as 1913 the council was still using the HLG to build walls in the borough.

As well as the occasional celebratory beer, the council also looked after the gang in other ways. James Watson recalls: "In the Sixties tenders were called for the supply of tea, sugar and tobacco to the hard-labour gang. In 1862 the tender of Harvey Hawkins was accepted at tea for half a crown a pound, sugar for 5½d and cake tobacco at 6s 6d a pound. The council rejected Negrohead tobacco at 7s 6d and 'small' at 5s 6d. Tobacco the prisoners might receive and they were expected to earn it. In 1865 the municipality bought stone hammers to keep the gang usefully employed in a shed during wet weather."

In the late 1870s and 1880s the HLG was also put to work on Ripapa Island, known as Ripa Island. It was fortified at this period in view of the Russian scare and much of the work was carried out by prisoners. They used to make the trip each day to and from the island, close to the southern edge of the harbour opposite the township of Lyttelton, in a steamer. But this was stopped and in 1890 a report from the Defence Office stated: "The occupation by the prisoners of the converted submarine-mining buildings on Ripa Island completed the establishment of four temporary prisons." It went on: "The much better work which has been done on Ripa Island since the prisoners had to be taken to and from every day in the steam launch both justifies and confirms its earlier adoption at the other ports. The temporary prisons have proved equal to the needs of the department; there has been no serious attempt to break out, those confined in them recognising that, although the buildings are denominated temporary prisons, they have been sufficiently carefully strengthened and barred to render any such attempt very unlikely to result in success. The prisoners also appear healthy, and, if the context will admit the expression, contented."

The question of the suitability of prison labour was also raised by the Defence Office and it commented: "As compared with ordinary picked labour, there is a further disadvantage that the personnel of the gangs is most varied, ranging through all grades from the gentleman to the boy-thief, and from the herculean navvy to the slim clerk, so that an even gauge of work can hardly be expected from such diverse capabilities. Here, again, however, the many varieties of work which the execution of a fortification demands enabled all, under judicious arrangement and supervision, to be usefully employed. It may be — and, indeed often is — urged that a prisoner has no interest to work hard and consequently never does an honest hour's labour. This is no doubt largely the case where the work is that of the roads or the chain gang. An improved spirit, however, appears to reign on the defence works and perhaps no better explanation can be advanced than stated in last year's report, as follows: 'The better class of prisoners is selected for transfer to the temporary prisons and employment on the works; they are housed in buildings which, while secure, are not suggestive of a gaol, and they have an always bracing atmosphere around them.' "

The report thought a better job resulted for several reasons. The prisoners did not have to march through the town each day, the work had more interest without monotony and there was a definite object to be achieved. "The experience of another year confirms these views," the Defence Office report stated. "To the casual visitor to the scene these prisoners' labour the usual gaol stroke may suggest itself as not conspicuous by its absence; but the amount and quality of the work accomplished in a given time is a better test."

But that did not mean the work was easy. There is a report of prisoners on Ripa Island working up to their waists in water to clear the seabed for piles for a jetty. "Every time they lifted a stone they had to put their heads under water to reach ..." They could work only at low water and then for only an hour.

The term "gaol stroke" (meaning lack of effort) was a common one in the early days when discipline for the outside workers was not too rigid. But in the early 1880s, when the management of prisons came

Right: Ripa Island where Lyttelton prisoners were sent to build Fort Jervois.

Below: The results of the prisoners' labour ... well-built convict construction.

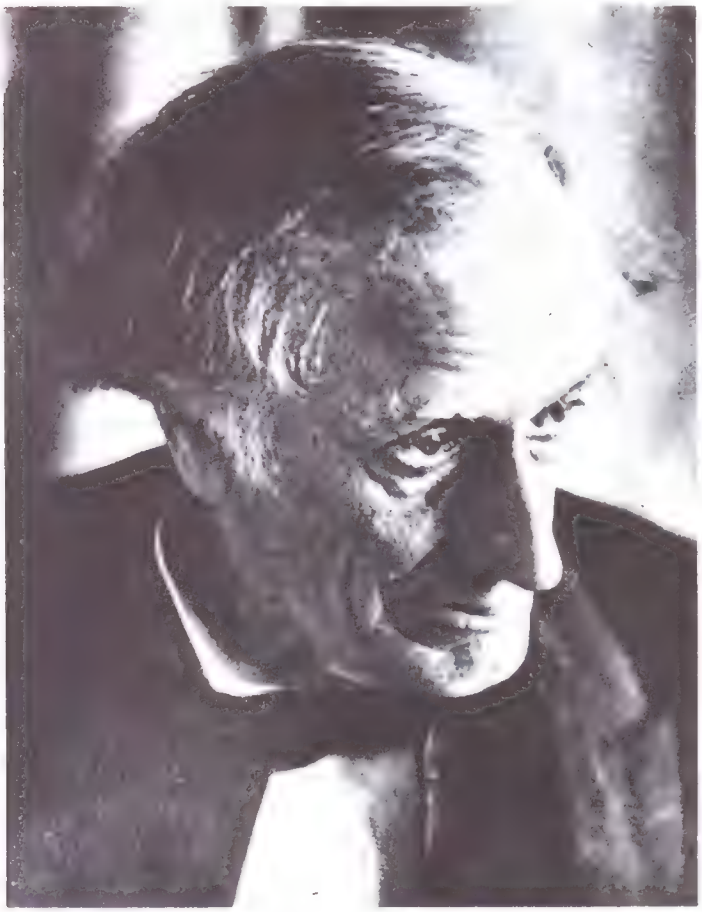
under Captain Arthur Hume, things picked up. In his report to Parliament in 1884 he noted a great improvement in the amount of work by prisoners. He reported that what had been contemptuously termed the government stroke or gaol stroke had now almost, if not entirely, disappeared from the working parties. As proof he cited a case of a local body which paid one shilling a man each year for work by prisoners and still lost on the deal. However, after five years as inspector of prisons, Captain Hume happily pointed out that the local body later worked at a profit with the payment being increased to 2s 6d a man each year.

The *New Zealand Year Book* put great store on costs and for many years reported the charge upon the State of the maintenance of each prisoner. It slowly rose through the 1860s to £33 9s 8d per head but in 1898 had dropped back to £27 18s 10d.

Other reports state in 1872 able-bodied prisoners could earn 6d a day as carpenters, smiths or mechanics and 4d a day as labourers. In the same year the women of the prison, in addition to their other tasks, had handled 756 dozen garments sent in for washing at 1s 9d a dozen. Blankets were 9d each.

To make a few extra pence some Lyttelton prisoners plucked hairs from the tails of horses and plaited them into decorative lengths to be used as watch chains which were surreptitiously sold to townsfolk. One who still has one is Mr Baden Norris, Sen., who lives in the street above the site of the gaol.

The real problem for the prison authorities, almost from the day Lyttelton Gaol opened, was overcrowding. So bad was the number of inmates crammed in that it moved a chief gaoler, two judges and a newspaper to voice trenchant criticism about the situation.



Mr Justice Richmond was moved to comment on the inadequacy of the gaol in 1862.

CHAPTER FIVE

Not Enough Room at the Inn

Almost from the day the gaol opened it was never big enough. As early as 1863, the chief gaoler, Edward William Seager, found it necessary to write to the *Lyttelton Times* to complain about the poor, cramped conditions. The trouble was the rapid growth of population in the province, the acceptance of the worse criminals from all over the South Island and the slowness in providing additions to the gaol. Debtors and lunatics were also confined in the gaol.

At a meeting of the Canterbury Provincial Council on January 9, 1862, a member called Davies called attention to the fact that "the gaol was greatly overcrowded and the prisoners improperly mixed together." The policy then was for criminals of all types to be mixed, especially at work, exercise and meal times. So murderers rubbed shoulders with boy offenders in goal for trifling offences and lunatics rubbed shoulders with debtors.

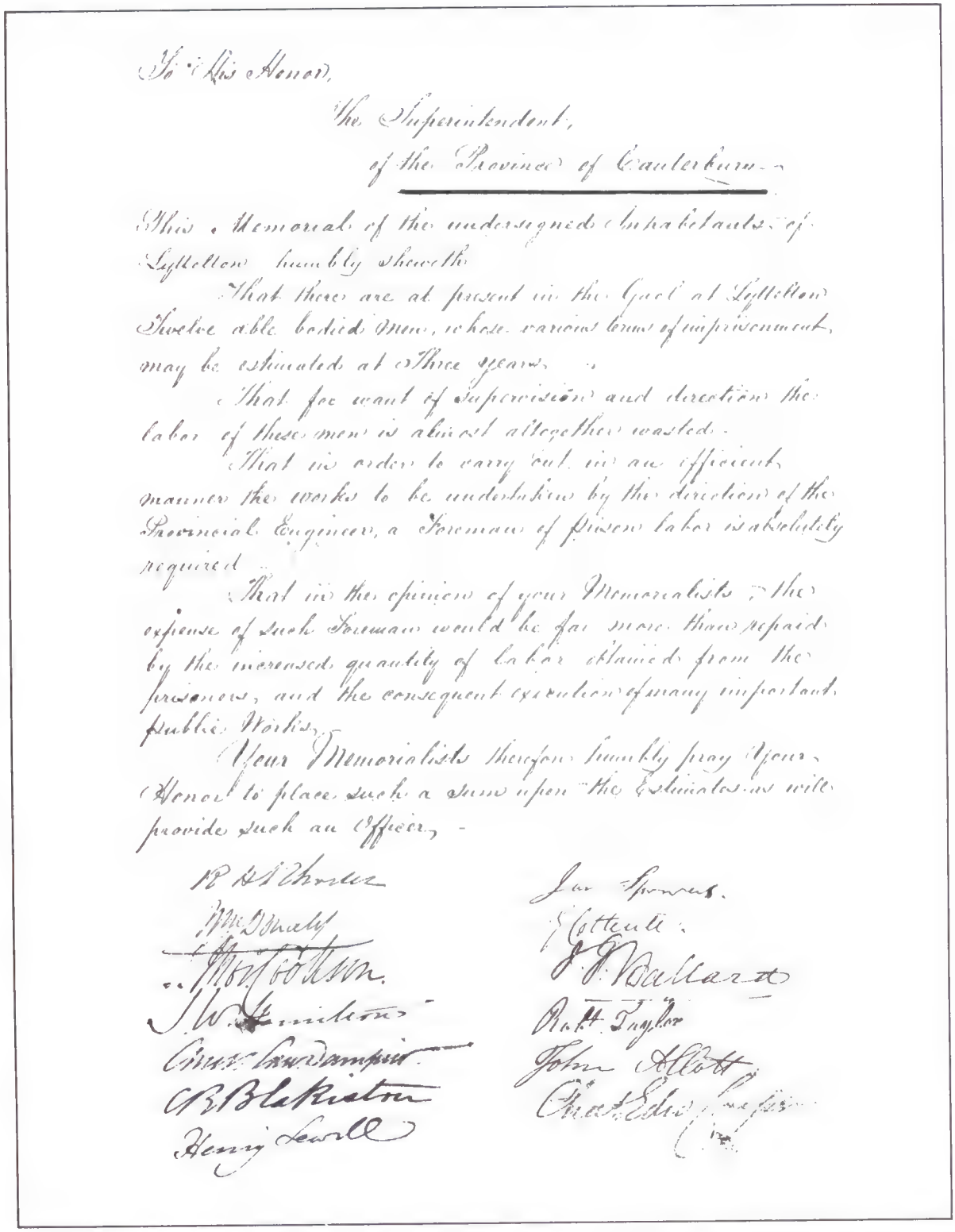
Davies thought the gaol might be enlarged by taking in some of the adjoining ground but the provincial solicitor pointed out that it could not be done without encroaching on the market place as the gaol building already covered the whole of the ground reserved for it.

Another member, Mr Ollivier, said the council could change the town's ordinance and so allow additions. He also wanted the accommodation for debtors to be improved and added that they were "much worse provided for than the criminals." Another member went further suggesting that the gaol in Lyttelton be reserved for a debtors' prison and a criminal gaol be built in Christchurch.

However, if nothing came of those suggestions, a newly-appointed judge, Mr Justice Richmond, said in his charge to the grand jury at the opening of the quarter sessions of the Supreme Court in Christchurch in December 1862: "I am glad to learn that this province is at last to be provided with a courthouse and that by the erection of a lunatic asylum the public scandal of confining lunatics in a small and crowded gaol is about to be put an end to."

Mr Justice Richmond said he had received a complaint from debtors in the gaol about conditions. "Among other things, these persons state that the sleeping and living room of the debtors is 15ft 6in in length by 12ft in breadth and in it ten men are confined from 6pm until 6.30am. Upon this complaint I officially observe that the gaol is over-crowded, as no other room can be set apart for the debtors. I calculate that the area allowed to each of these individual debtors is about equal to what is allowed to steerage passengers on the lower deck in emigrant ships.".

He added: "The removal of lunatics, if promptly effected, may be relied upon I presume to mitigate for a season the evil of an over-crowded gaol. But we must not forget the rapidity with which the population is increasing and that Canterbury may receive at any moment a sudden influx of people from Australia. It is quite plain that the gaol must soon be greatly enlarged though I hope it may be deemed preferable to construct a new one in a more suitable situation." ended the Judge. These words were spoken only a few years after the gaol had been opened.



To His Honor,

The Superintendent,

of the Province of Canterbury.

This Memorial of the undersigned Inhabitants of Lyttelton humbly sheweth

That there are at present in the Gaol at Lyttelton twelve able bodied Men, whose various terms of imprisonment may be estimated at three years.

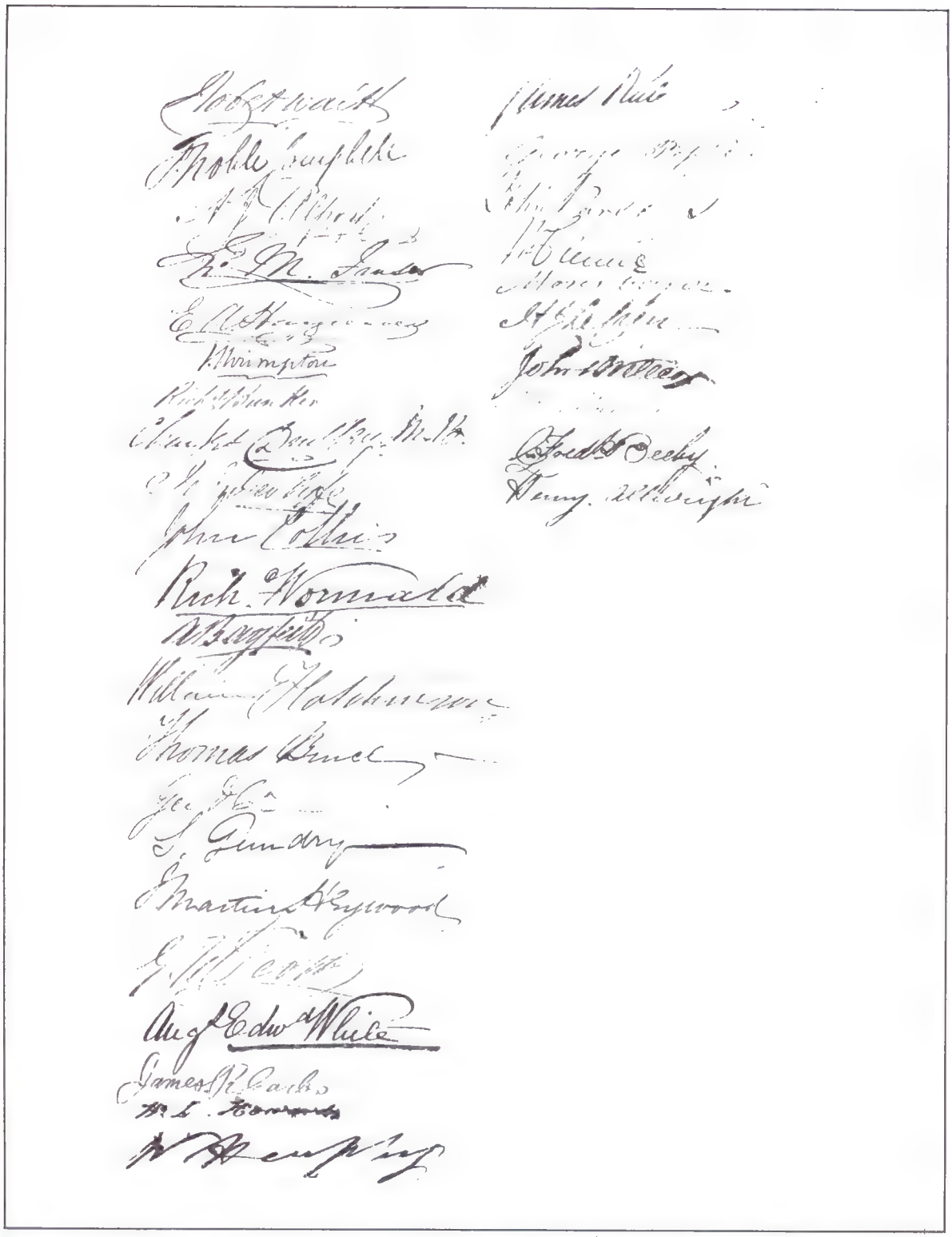
That for want of Supervision and direction the labor of these men is almost altogether wasted.

That in order to carry out in an efficient manner the works to be undertaken by the direction of the Provincial Engineer, a Foreman of Prison labor is absolutely required.

That in the opinion of your Memorialists the expense of such Foreman would be far more than repaid by the increased quantity of labor obtained from the prisoners, and the consequent execution of many important public Works.

Your Memorialists therefore humbly pray Your Honor to place such a sum upon the Estimates as will provide such an Officer.

It did not take the townsfolk in the fledgling port of the 1850s long to realise that there was an untapped source of cheap labour within the walls of Lyttelton Gaol that could be used to advantage. On April 20, 1855, 45 residents sent this petition to the provincial authorities. It asked that money be allocated in the early estimates



to allow a foreman to be employed to supervise and direct the prisoners on the work gang. The petition pointed out that the cost of such a man "would be more than repaid by the increased quantity of work obtained from the prisoners and the consequent execution of many important public works."

Next came hard-hitting words from the *Press* newspaper. It pulled no punches in its editorial of February 14, 1863. "Once again the fact must be stated. The gaol accommodation is so abominable and the prisoners so huddled and crowded together in cells so small that the sentence which consigns a criminal to prison amounts to a sentence of torture as well as imprisonment. Of course it will be said we exaggerate. We reply — go and look at the Lyttelton Gaol. Nay, without that trouble, only read the headlines of the number of prisoners who are periodically published in the newspapers. Just try and realise the idea of 90 human beings crowded into a space of less than one-eighth of an acre, where buildings, not of two or three storeys, but all on the ground floor and yards for amusement and exercise are all included in the same area."

The cell blocks were later to rise up to the two and three storeys.

The *Press* pushed home its criticism: "The cruelty and wickedness with which the Government is chargeable has been contemplated from afar and deliberately and knowingly accepted; knowingly, if not a year has passed that they have not had warnings, complaints, remonstrances ad nauseam." The editorial pointed out that judges had remonstrated in their charges to the grand jury at the openings of criminal Supreme Court sessions; the grand jury had criticised the gaol again and again; and the gaoler had complained "till complaints have died away in weariness." The *Press* added that the Canterbury Provincial Council had "speechified and motioned and resolutioned and voted but all to no purpose."

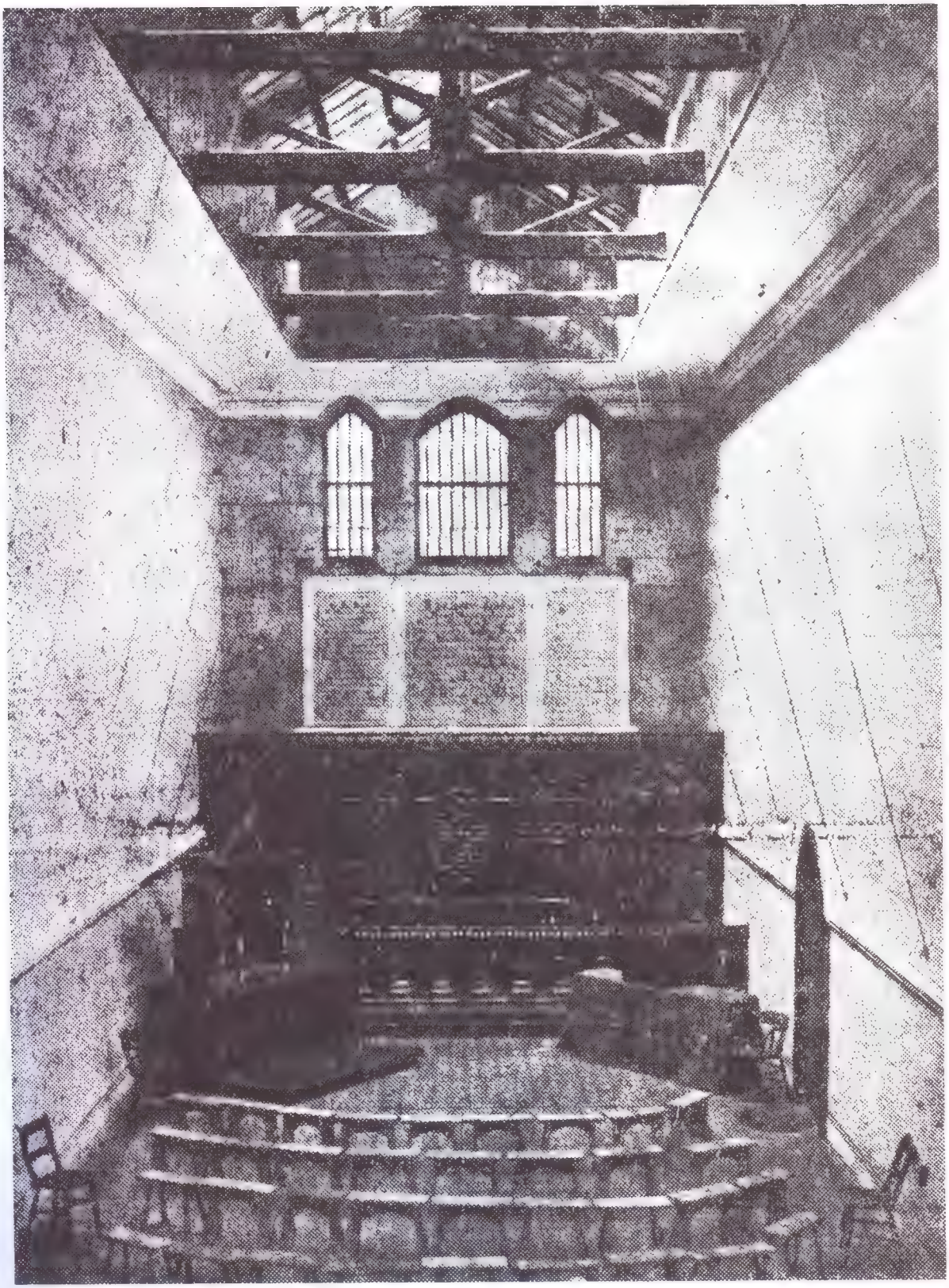
A warning was given that the fever prevalent at the time could easily spread into the gaol and the *Press* predicted: "... it will break out in gaol in a firm and alarming malignancy." It added that the danger to the town of Lyttelton was imminent. "To leave matters as they are is downright — we will not shrink from the word — it is plain murder."

The editorial asked if magistrates should continue to send prisoners to the gaol at peril and public safety. It suggested, respectfully of course, that judges visit the gaol to view conditions. The book *The Man Inside*, a collection of writings and thoughts of prisoners in British prisons, has a commentary on this. A 55-year-old man serving five years for housebreaking wrote: "A judge? No mate, not in any prison I've been in and I've been in most of them in my time. No, wait a minute, now I come to think of it, yes there was talk of one having been to one place somewhere but I think they all thought it was only a rumour. None of them had seen him, he hadn't talked to any of the prisoners or anything like that. If he did go I suppose he'd have been taken on a conducted tour for an hour and then gone away thinking he knew what it was like."

The *Press* editorial made this comment about judges: "Not all (the judges) visit at once, there is no room for so many; not in their wigs, the cells are too small and crowded for any extra properties; not in the day, when the labour gangs are at work; but after the prisoners are crowded up for the night ..."

In the next month — March, 1863 — another judge, Mr Justice Gresson, speaking at the opening of a new session of the Supreme Court in Christchurch, said: "I had hoped ere this to have congratulated you on the erection of a new gaol and lunatic asylum. The conditions of the present gaol in which lunatics, criminals, prisoners awaiting their trial, and debtors are all associated together in an incredibly small space, admitting of no classification, is so well known to most of you that I refrain from dwelling upon it, further than to state that it imposed on the judge very serious and increasing difficulties in determining what may be the proper sentence to be awarded in such an anomalous state of things. However, I am assured by the Government that no time will be lost in providing a temporary asylum for the lunatics and that a new gaol will be erected as soon as a work of such magnitude can be accomplished."

Right: The gaol chapel was, for some, the only escape from the harshness of the prison. An organist once reported that the prisoners "really sang as though they meant it." The chapel was remarkable for clarity of words because of the thickness of the walls.



Not Enough Room at the Inn

Six months later, at another session of the Supreme Court, the same judge said: "It is evident that the effect of a large influx of a mining population to New Zealand from the Australian colonies is beginning to be felt in this province and that we can no longer hope for a continuance of the comparative immunity from crime which we formerly enjoyed. Indeed I fear that we must look for an increasing, rather than diminution of, in the number of committals during the ensuing summer and it behoves us to make timely provision for such a contingency. The gaol at Lyttelton is already greatly over-crowded. It contains 71 prisoners, being nearly double the number which it is capable of conveniently accommodating. The removal of the lunatics to the asylum now in the course of erection will afford partial but very inadequate relief. The temporary gaol at Christchurch is incapable of accommodating more than 14 prisoners and more than a year must elapse before the new gaol can be ready for the reception of inmates."

The first buildings of the new Sunnyside Mental Hospital were well underway and a new gaol at Addington was soon to be started. In fact, the provincial council voted £5,000 in the first year to build Addington. The total cost, for 80 prisoners, was put at £20,000.

Then it was the turn of chief gaoler Seager to weigh in with his criticism of the gaol. In March, 1863, he wrote a lengthy letter to the *Lyttelton Times*. It was published on April 11. He used his initials E.W.S. to sign the letter but the content leaves no doubt as to who the author was.

He wrote: "Our difficulty is not what we are to do with convicts sent out from England but what we shall shortly have to do with our own increasing criminal population, arising chiefly from the gold diggings, the consequent immigrations of hundreds of bad characters from Australia and elsewhere. With this view, I have prepared the following account of the past and present state of our gaols, together with a few suggestions for their future management."

Seager was born in London in 1828 and came to Lyttelton on the *Cornwall* in December, 1851. While on the ship he acted as schoolmaster but on his arrival joined the police as a mounted constable and became the first police sergeant in Canterbury. He rose to inspector and also became the chief gaoler.

He must have been a great humanitarian because from the start of his association with the gaol he always showed concern for the treatment of lunatics. They were badly treated in his day, being locked up without any special care or treatment. In December, 1863, he took his wife and four children and 17 lunatics from Lyttelton Gaol to Sunnyside Hospital. He possibly combined both jobs for a while because it was not until June, 1864, that he resigned as gaoler.

Seager became officer in charge of Sunnyside in 1868 and held the position for 24 years. He had 12 children and the family used to say that half of the children were born in gaol and the other half in a lunatic asylum. When Seager retired from Sunnyside he became the usher in the Christchurch Supreme Court. He died on July 14, 1922, at the age of 94.

In March, 1863, the then 35-year-old chief gaoler sat down and wrote his letter of criticism. Part of it goes: "In the infancy of the various provinces the criminal class was naturally a very small one and those confined in the gaols were generally committed for minor offences; a large majority having been sailors convicted of petty offences on board ship. Thus a very small gaol establishment was required in each — very small and inefficient they appear to have been. Everyone has heard of the discipline maintained in the Otago Gaol in days gone by; admittance to which was not unfrequently denied to a prisoner who presented himself at unseemly hours and in an unseemly condition. And yet every one is not aware or perhaps credits that these legends are strictly true. In this province, although the gaol discipline was never of the peculiar kind adopted in the adjoining one, still little accommodation and few appliances were at first required. In evidence thereof, I may here mention that the first prison erected in Canterbury was an A hut, and that upon some sailors being confined therein they proceeded to walk away with it bodily, until restrained from so doing by the police. The next was the present gaol in Lyttelton, which was not however erected at once, but was cobbled and added to at various times, as circumstances called for increased accommodation, until it assumed its present incongruous and nearly useless form. As prisoners and varieties of crime increased, it was found imperatively necessary to attempt to classification among those confined. All attempts have, however, almost totally failed, owing to the manner in which the building has been constructed.

Addington Prison was first used for female prisoners. It was built because of the overcrowding at Lyttelton.

"In proof of the absolute necessity for keeping prisoners committed for different classes of offences separate, I will quote a few instances in point. Under the present system all prisoners live, and are in constant communication with each other; thus one who may be leaving on the morrow is furnished by a prisoner awaiting his trial with such information and powers, as procure the absence of all prosecution on the day of trial, and the ends of justice are defeated. There are also many prisoners who, from the natural irritability of their tempers and their quarrelsome dispositions, it is necessary for the good order of the gaol to keep separate from all others. Again the moral injury that is inflicted on boys and lads, by allowing them to associate with men of the worst character and disposition, is incalculable.

"With regard to females, the present system is very bad, as young girls convicted of venial offences, have hitherto been compelled to associate with abandoned women of the very worst class, whose delight it is to corrupt and debase those more innocent than themselves. Of late a great improvement on this point has taken place, but only by the removal of the worst description of females to a separate establishment, where they are under the control of subordinates; a system which has in itself much to be condemned, but which is infinitely superior to the old one.

"A glance at the following table will show the steady increase of committals since the foundation of the province:

Year	*Number of Committals*
1851	51
1852	87
1853	59
1854	44
1855	73
1856	54
1857	64
1858	89
1859	99
1860	108
1861	143
1862	250

"From the above it will be seen that the criminal list is rapidly becoming enlarged; and it must be borne in mind that this is merely the natural effect of an increased population in the province and that the gaol returns have scarcely as yet been affected by the Otago goldfields, from whence we may expect to have both our general and criminal population largely augmented, either by successful diggers settling here or by the arrival of unsuccessful ones seeking employment. Should a paying goldfield be discovered in this province, it will be at once found that the annual total of committals will bear on comparison with those of former years. Without our new gaol we should find as great a difficulty in providing for our prisoners as Otago now does. That we shall have in a few years a large convict class to provide for, is an obvious inference from the above facts. When the time arrives let us not be in the same dilemma as the mother country is at present."

Seager went on: "The new gaol on the plains (Addington) is about to be commenced and, let us hope, will be soon ready for the reception of prisoners. In it there will be every appliance, modelled from the best modern prisons, for classifying prisoners and treating them in the manner best suited to the offences for which they have been committed. The debtors will be kept separate from the felons, the felons from the misdemeanants and defaulters and those awaiting trial from all others.

"The women also will be in a wing of the building apart. Thus one class will be prevented from corrupting the others and the gaol officials will be enabled to study the individual character of each criminal. Very great judgment has been shown in the selection of the site for the new gaol, as it is healthy and in a most convenient neighbourhood. So far, everything has been well and carefully done.

"As, however, all good arrangements should tend to the reformation of the criminal, there is still a point on which great discretion should be used. I refer to the selection of the subordinate officers of the gaol. A warder having such close intercourse with the prisoners has necessarily a great influence for good or evil over them. In order that he may have the former, he should be a keen, discerning man, possessed of courage, tact, industry and good temper, and one who has had a moderate education and, above all, a long experience in police or gaol duties.

"Too much stress cannot be laid on this last qualification, as without it he is unable to detect and counteract those thousand and one devices by which every old hand is prepared to evade work, and annoy those in authority over him. The tricks of these old offenders are so numerous that it requires years of experience to teach a warder how to detect them. Some of the most common are practised for the purpose of getting on the sick list, and consist of — eating soap and licking the whitewash from the walls, to give the appearance of a bilious attack, swallowing tobacco juice, which brings on temporary palpitation of the heart; pricking the gums to counterfeit spitting of blood. I have even known a prisoner to swallow pounded glass to bring on symptoms of a serious nature. With female prisoners it is a

Lyttelton, 7 March 1862

Sir

I beg to draw the attention of the Provincial Government to the necessity that exists for some further enactment for the discipline of the Gaol and the control of the hard labour gang, when at work at a distance from the Gaol.

On more than one occasion, Spirits have been clandestinely conveyed to the Prisoners by leaving it on the road, in places where it was known the prisoners would be employed. Interference also with the men when at work and when proceeding to and from their place of labour is a frequent occurrence.

I can find no ordinance or Act enabling the magistrate summarily to punish these offenders when they cannot be said directly to have interfered with the Constable or warder on duty. And I am not inclined to inflict severe punishment on the prisoners, who, having given way to the temptation of the planted Spirits, have been subsequently brought before me for some act of insubordination.

I wish to suggest that, at the next session, an addition be made to the Police (or gaol) Ordinance inflicting Summary punishment on those the greater offenders who put the temptation in the way of the prisoners or who in any way interfere with the warders in charge.

I am Sir
Your obedient servant
Wm Donald M.D.
Visiting Justice

The Provincial Secretary

A letter about the problem of discipline of the hard labour gang when working outside the gaol precincts from a visiting justice, Dr William Donald, who was also doctor to the prison. It was written in March 1862 to the Provincial Council and the problem as Dr Donald saw it was that "on more than one occasion spirits have been clandestinely confined to the prisoners by leaving it on the road in places it was known the prisoners would be employed. Interference also with the men when at work and when proceeding to and from their place of labour is a frequent occurrence. I can find no ordinance or Act enabling the magistrate summarily to punish these offenders when they cannot be said directly to have interfered with the constable or warder on duty. And I am not inclined to inflict severe punishment on the prisoners, who, having given way to the temptation of the planted spirits, have been subsequently brought before me for some act of insubordination." He suggested that the law should be altered to allow those who put "temptation in the way of prisoners or who in any way interfere with the warders in charge" to be punished.

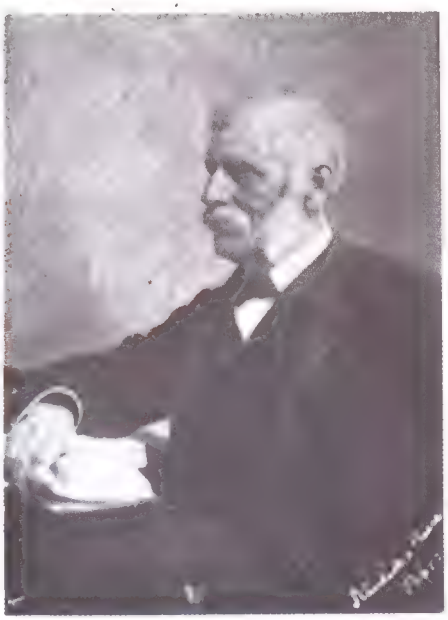
common habit to become so unruly as to require the intervention of the male warders, on the days when they know them to be in dress, with the express purpose of destroying uniforms, etc.

"As I have said above, these are the most common and best known of their plans for annoying the officials. I refrain from mentioning others, as I am by no means desirous of instructing future rogues through the medium of your columns. It is therefore obvious that if a man is not by experience acquainted with all these dodges he is not fit for the part of a warder. So much for the new gaol and its management, which will be sufficient for our present requirements.

"As the colony advances, however, it will be found necessary to provide a depot for penal servitude convictions, where the men may be confined in safety and where their labour will be profitable to the public."

Seager then gave his solution: "Having had for many years the best opportunities of studying the criminal classes I am firmly of opinion, and I am supported therein by many eminent authorities, that transportation is the best preventive to crime and also the best method of reforming malefactors. As a preventive, the terror it inspires is greater than any other system, as there is no other punishment the hardened offender so much dreads as an entire separation from his family and those commiserating friends occasionally permitted to visit him while in a local prison. As a means of reformation, it possesses a great power in the removal of the convict from the scenes of his previous career and the temptations and applause of his former associates in crime. I would therefore propose that an establishment be instituted at the Chatham Islands. There the convicts might be most profitably employed in the cultivation of potatoes, wheat and other farm produce for the New Zealand market. A steamer calling after each session, at the various ports near to which assizes are held, might convey all prisoners, sentenced to imprisonment over one year, to the depot and bring thence the produce of their cultivation for sale."

But little changed; certainly men were not sent to the Chathams to grow vegetables for New Zealanders on the mainland.



Edward William Seager, one of the early gaolers at Lyttelton. He left the prison in 1864 to take charge of Sunnyside Mental Hospital which then had about 20 lunatics. He was a strong critic of prison conditions and especially the treatment of prisoners who were mentally sick. Ninety years later the then director of the penal division of the Justice Department, Mr P.K. Mayhew, was to write: "Comment on the practice of sending lunatics to prison is superfluous."

CHAPTER SIX

A Change Was Coming

Criticism about the accommodation for lunatics came from many quarters up to 1864 and up to the early 1880s there was criticism about the conditions for debtors. When Seager took over Sunnyside he relieved the problem of lunatics in the province. But, in fairness to the pioneers, it was never intended that the lunatics should go to Lyttelton Gaol in the first place.

In his book *Hospital on the Avon*, Dr F.O. Bennett says the first mental patients were retained in Lyttelton Hospital and were intended for the new Christchurch Hospital. When this produced an outcry the lunatics were sent to Lyttelton Gaol until Sunnyside opened.

The problem of suitable accommodation was to last longer for the debtors. James Reston followed Seager as chief gaoler and the debtors' quarters became known euphemistically as "Reston's Hotel". Debtors had special privileges in gaol but according to letters sent out to the local newspapers they did not always receive them.

Dr W. Donald was medical officer to the prison in the 1860s and in 1863 was lambasted in two letters to the *Press*. A former prisoner, Isaac Butterfield, wrote: "I am anxious to call the attention of the public to the treatment received by myself while prisoner in the gaol at Lyttelton from the medical officer."

Butterfield said he was hit by a fall of earth which dislocated his shoulder and also hurt his chest. He accused Dr Donald of neglect, saying he was in pain for 11 days waiting for him to come to give him attention. Seager finally took Butterfield to Dr Donald who then tightly bound his ribs. That was in May, 1863, and in November another letter was printed from debtors pointing out that Dr Donald had ignored their requests to inspect the meat served to them. "The unfortunates are exposed to contumelious treatment," the letter said.

But Dr Donald was the same man who Dr Bennett described as having walked one night from Lyttelton to Kaiapoi and back to see a sick child. He probably rode or drove himself as the return trip is more than 30 miles.

Another letter printed in the *Press* on November 30, 1866, again from the Debtors' Quarters, also complained about the doctor. The writer said he wanted a "curb of petty tyranny which appears to be exercised by those who are dressed in a limited brief authority." His complaint was that when he was unwell on November 28 he sent out for a "bottle of porter" which was a privilege allowed by law to debtors. However, to his "astonishment the warder informed me that Dr Donald had ordered that I was not to be allowed to receive my beer.

"... I could, if space permitted, give you many instances of the petty tyranny exercised by Dr Donald towards the unfortunate debtors confined here and are treated far worse than the convicted felons and towards whom a system of petty annoyances is practised by the gaol authorities. It is useless for me to make my complaint to His Honour the Judge as it only passed unheeded."

Signing himself "A Sufferer", the writer also attacked the clergy, saying: "I believe that the chaplain

Top left: Dr Donald, doctor to the gaol, came in for an amount of criticism.

Top right: Captain Arthur Hume who introduced many prison changes. Some brought a strike of convicts at Lyttelton.

receives £250 a year for his services but only convicted felons have divine service on Thursdays and Sundays. The unfortunate debtors are allowed to remain Sunday after Sunday without that reverend gentleman coming near them."

More and more criminals were being sent to the prison and new buildings were slowly added to accommodate them. Christchurch was now growing apace and men sentenced in Christchurch had to be carted over the Port Hills to gaol. The escort guard wore a wide leather belt fastened with a brass clip. This was locked in Christchurch with a single handcuff holding an arm of each prisoner. This could not be opened until a key was produced at the gaol. Later, when the Lyttelton to Heathcote rail tunnel opened for passengers in 1867, the prisoners were taken by train.

Of course Lyttelton still had its own miscreants to be locked up. Between the years 1871 and 1889 the town's night soil contractor was imprisoned many times for drunkenness — and naturally this had embarrassing results for port residents. The Lyttelton Municipal Council finally lost patience with him and advertised for another collector. The advertisement added: "... who must be of sober habits."

Gaolers also came and went and Lyttelton, like most other prisons in the country, still clung to the system of large wards with the prisoners sleeping and eating in association. There was no uniformity of rules for gaols and no central control.

So, in 1880, the Government decided to establish a central control system for prisons and naturally looked to Britain to provide a man for the job. There were 37 applications for the position and finally Captain Arthur Hume was appointed Inspector of Prisons. His pay was £600 a year and he had been a deputy governor at four English prisons, having earlier got his commission in the 79th Highlanders.

The New Zealand Government sought a man in England primarily because it had been impressed by the considerable advances in discipline and economy in gaols in that country. The 40-year-old captain (later to become a lieut.-colonel in New Zealand) soon got down to work and his first report to the Government in 1881 was certainly a hard-hitting one, proposing many changes.

Captain Hume reported: "The chief evils that have come to my notice are, for the prisons as they at present exist, neither deterrent nor reformatory. The existing system of prisoners having their meals and spending their spare time in association is most detrimental to prison discipline."

He recommended that the birch rod be introduced to prisons as it had been found in British prisons that birching was a safer punishment than flogging. Captain Hume thought the use of the birch would bring adult prisoners down to the same level as boys and therefore humiliate them. He added: "It will also be a valuable addition to the cat as a means of flogging."

He was also against educating prisoners. "The system of endeavouring to educate prisoners is, I believe, a mistake and I know that the assembling of prisoners together for the purpose of schools tends to great irregularity. I think it stands to reason that a man who has performed his day's allotted task of hard labour cannot possibly benefit by attending school in the evening and I therefore beg to recommend that schooling in prisons be abolished." He thought, though, that trade training could be continued.

Other changes Captain Hume listed in his 1881 report were:

- An end to remission of sentences for prisoners on hard labour or simple imprisonment of four months upwards. "Remission is a great error and tends to lessen the severity of the sentences."
- Prison diets to be investigated by medical officers. He commented: "Prison diets are too liberal and I find prisoners, as a rule, leave prison heavier in weight than they were on reception."
- The discontinuance of the use of tobacco in gaols.
- Abolishment of the term gaolers and replacement of the word gaol with prison.
- Future superintendents of prisons to be selected from retired naval and military officers.
- Subordinate officers to be smarter, younger, and more active men than the present "old and slovenly men". No man to be posted to his local prison.

Captain Hume also reclassified all prisoners in New Zealand prisons as follows:

1st class — Could be degraded for misbehaviour.
2nd class — Could be put in irons even when working.
3rd class — Solitary confinement and diminished rations.

In his 1884 report, Captain Hume was highly critical of holding debtors in prison. He said debtors did not labour to pay for their keep and rations were "those other than those for hard-labour prisoners." Further, he said, "they seldom pay the debt but prefer to remain till the stipulated alternative has expired." He suggested debtors "pay for their maintenance while incarcerated." Hume felt this was one way to keep numbers down in the prisons.

Another suggestion of his to keep people out of the prisons was the probation service. This suggestion was a copy of a new system in Boston, USA. Captain Hume saw the probation service as a method to save "inconsiderable money for the Government."

The captain met criticism from the day he arrived. Before his appointment some gaol authorities had been critical of appointing a man from England and not one of the New Zealand gaolers. In spite of the criticism, Hume jumped into the fray and harshly condemned the standard of prisons from the time he arrived.

During the 29 years he was inspector of prisons he modified some of his early ideas and his attitudes on education in prison and remission for prisoners changed considerably. Some of his recommendations were not adopted, particularly one that military men become prison warders.

Mayhew said of Hume: "His attitude was to keep prisons as places of lesser privilege, that is to say that life in prison must always be less attractive than the lowest reasonable standard of living within a normal community."

When it seemed during the depression years at the end of the century that some men were seeking prison sentences because in prison they found a standard of shelter and food not obtainable outside, Hume did not hesitate to reduce the prison rations.

How good were the captain's methods? In a speech in 1923 the Under-Secretary of Justice and the Controller-General of Prisons, Mr Charles E. Matthews, said the keynote of the prison service in Hume's day was discipline, discipline, discipline. "Discipline really meant repression. Little wonder that such a system led to outbreaks of savagery on the part of the men so treated with retaliation by the warders ..."

Mayhew believed Hume over-stayed his time and commented: "There is a very narrow margin between order and disorder in prisons. It may depend upon no more than the personality of one prisoner or one officer. It can be upset very easily."

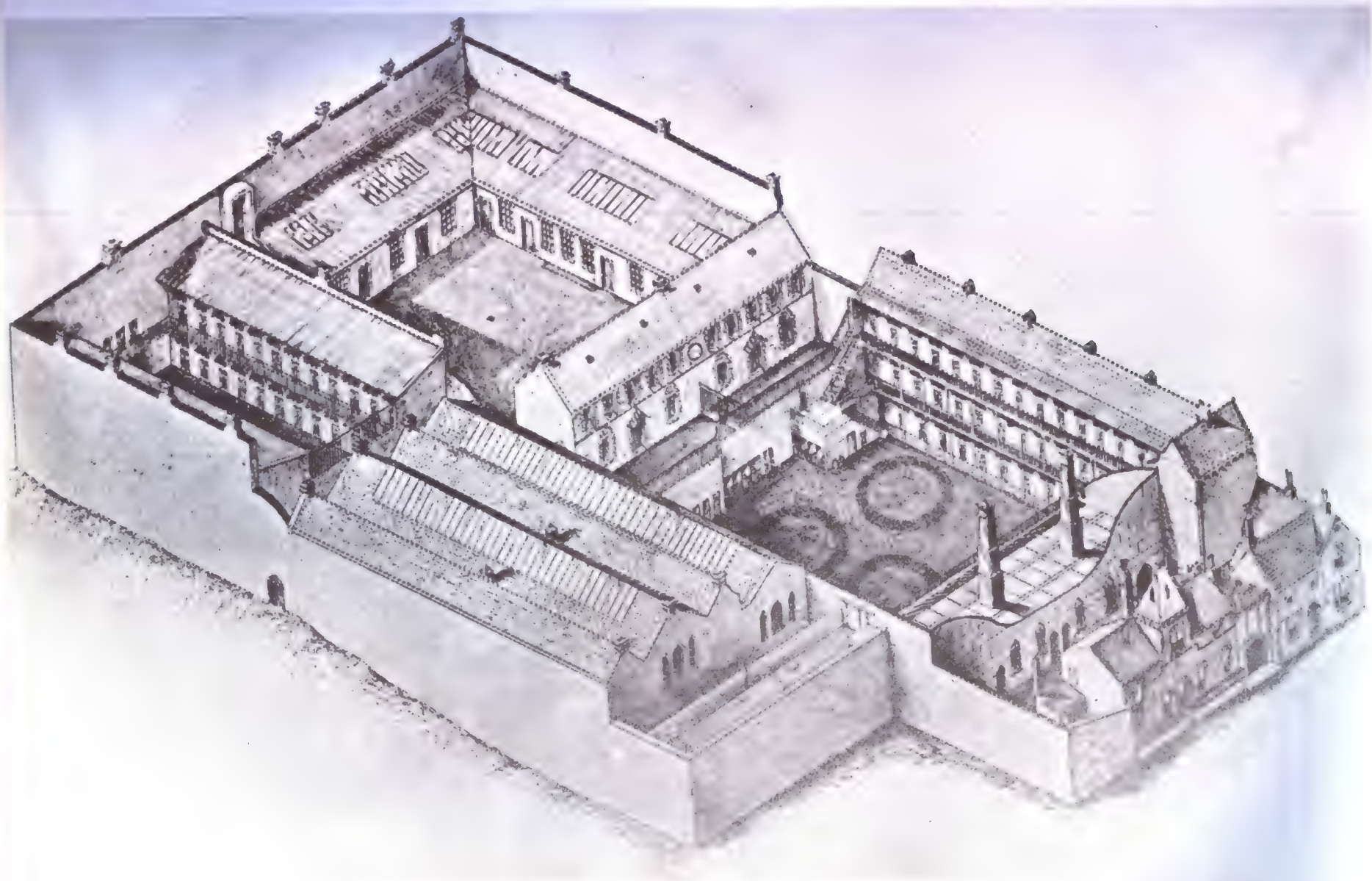
This balance was demonstrated in Lyttelton Gaol in 1881 when 80 prisoners went on strike. Hume's grading and remission scheme upset the men serving long-term sentences. They claimed they were put at a disadvantage and this complaint was coupled with the introduction of walking silently around in rings for exercise. The men had previously been accustomed to the "freedom" of the exercise yards. Hume experimented with the rings in Lyttelton before introducing them in all prisons. He found its weaknesses but not until it had brought a strike among Lyttelton prisoners. The official report of the strike from the records of the Department of Justice reads:

May 2, 1881 — "I have the honour to report for your information — reference the introduction of classification system — that 26 prisoners on return from labour at 4pm yesterday refused to exercise in circle ... that they were immediately locked up in their respective cells. I went to each one between 6 and 8pm and reasoned with them as to the folly of refusing to obey orders. 16 recanted and promised obedience on which I simply cautioned them and gave orders for their being let out to work in the morning. This morning at 7.50, 17 refused to exercise according to order — they were locked up and afterwards 9 promised obedience and were released accordingly ... of the 16 remanded for the Visiting Justice, 8 promised to obey and were released by him, whilst 8 were sentenced as follows, viz —

1. One man one month bread and water in intervals of one week.
2. Three men — 14 days' bread and water
3. Three men — seven days' bread and water
4. One man — four days' bread and water

Things are apparently calming down, and I hope to recommence the ordinary routine tomorrow." (Gaoler).

May 4 — "Matters are quieting down. On the following morning, 3rd, one of the prisoners who on 2nd had promised ... he would obey and was not punished accordingly — refused to obey ... and (was)



A cutaway perspective drawing of the old Lyttelton Gaol prepared in 1923 for a report of the then Controller-General of Prisons, Mr C.E. Matthews. The "ecclesiastical" portion on the right was the first part of the gaol to be built. The exercise circles can be clearly seen immediately behind. There was good reason why the front part of the prison should look ecclesiastical. It was built by William Chaney, the man who built Christchurch Cathedral. He was a stonemason at Canterbury Cathedral in England when he was offered the job of building Christchurch Cathedral. When he arrived on the ship *Randolph* with his family in 1850 the settlement had not progressed sufficiently for work to start on a cathedral so he was made contractor on the gaol. It was to be another 22 years before Chaney started work on the cathedral.

sentenced to one month's bread and water. The 9 prisoners now under punishment are in the highest state of insubordination (some of course more than others) cursing, swearing, singing, threatening, and such like."

May 6 — The Visiting Justices "attended at the prison this day ... and sentenced two of the refractory ones alluded to in my previous letter to one month's solitary each — and another one to 14 days — in addition to the week they are now all undergoing. They also were interviewed by about 15 to be relieved from exercising in circles etc. — but in no case was any idea given them that the classification, rules and regulations would be relaxed. At present all seems going on well ..."

Visiting justices tried prison offences and breaches of the rules and regulations and for a single prison offence they could sentence a prisoner to up to seven days of punishment diet (bread and water) in a solitary cell.

Punishments for prison offences in 1882 were: restricted diet/solitary confinement, withdrawal of tobacco, reduction of marks, placing in irons, placing in a dark cell, and flogging.

By 1908 the punishments for the same offences were: restricted diet/solitary confinement, reduction of marks, and withdrawal of tobacco.

It was probably in the 1920s, with Lyttelton Gaol in rubble, that the first significant changes were made to bring the prison system closer to a position which Matthews called "saner, safer and more human."

LYTTELTON PRISON.

H. R...	Disorderly conduct ..	Chief Warder ..	R. Westenra, V.J. ..	24 hours' bread and water.
R. T...	Insolence to officer ..	Pl.-Warder Duncan ..	" ..	To forfeit 24 marks.
H. R...	" ..	Warder Kearney ..	T. H. Potts, V.J. ..	2 days' bread and water.
R. T...	Disobedience	" ..	T. H. Potts, V.J., and R. Westenra, V.J.	"
E. C...	Disobedience and threatening language	" ..	T. H. Potts, V.J., and R. Westenra, V.J.	To forfeit 4 days' marks.
G. T...	Threatening language to officer	Pl.-Warder Strong and Warder Kearney	R. Westenra, V.J., and T. H. Potts, V.J.	3 days' bread and water
J.B.O'B.	Ditto	Warder Kearney ..	T. H. Potts, V.J. ..	48 hours' bread and water.
H. R...	Profane language and disorderly conduct	Chief Warder ..	R. Westenra, V.J. ..	24 hours' bread and water.
J. McG.	Threatening and abusive language to officer	Asst.-Warder O'Brien	" ..	To forfeit 2 days' marks
"	Ditto	"	" ..	To forfeit 4 days' marks.
G. T...	Idleness and insolence ..	Pl.-Warder Duncan ..	" ..	48 hours' bread and water.
" ..	Assaulting fellow-prisoner	Asst.-Warder Haron ..	" ..	3 days' bread and water.
H. R...	Disobedience	Asst.-Warder Garven	T. H. Potts, V.J., and R. Westenra, V.J.	2 days' bread and water.
J. McG.	Insolence to officer ..	Pl.-Warder Strong ..	T. H. Potts, V.J. ..	24 hours' bread and water.
E. C...	Assaulting fellow-prisoner	Warder Kenny ..	R. Westenra, V.J. ..	48 hours' bread and water.
H. R...	"	Asst.-Warders Theobald and Manning	" ..	Reduced in class for 1 month.
M. M...	Idleness	Chief Warder ..	" ..	2 days' bread and water.
G. F...	Disobedience	Asst.-Warder Garven	T. H. Potts, V.J. ..	48 hours' bread and water.
W. C...	Profane language ..	Pl.-Warder Duncan ..	R. Westenra, V.J. ..	2 days' bread and water.
H. R...	Disobedience	" ..	T. H. Potts, V.J. ..	"
T. H. R.	Disobedience and creating disturbance	Warder Brearley and Asst.-Warders Pointon and O'Brien	" ..	24 hours' bread and water.
R. C. ..	Ditto	Ditto	" ..	"
J. C. ..	"	"	" ..	"
J.B.O'B.	Profane language ..	Chief Warder ..	R. Westenra, V.J. ..	48 hours' bread and water.
M. K...	Idleness and insolence ..	Asst.-Warder Walsh..	T. H. Potts, V.J. ..	"
E.K.D.	Disobedience and refusing to work	Chief Warder, and Pl.-Warder Duncan	R. Westenra, V.J. ..	24 hours' bread and water
H. R...	Disorderly conduct ..	Chief Warder ..	" ..	48 hours' bread and water

Some of the punishments for misdemeanours meted out to prisoners in Lyttelton Gaol in 1880. The first column contains the initials of the prisoner, the second the offence, the third the officer who laid the charge, the next the name of the visiting justice who sentenced the offender and finally the punishment.

APPENDICES.

APPENDIX A.

Classification for Prisoners Sentenced to Penal Servitude.

1. All classification as now existing to be prospectively abolished for all convicts hereafter received.

2. A convict during the term of his imprisonment will be required to pass through the following classes, viz.: Probation class, one year, during which he must earn 2,920 marks (minimum period with good conduct and industry). Third class, ditto. Second class, ditto. After which he will be eligible for promotion to first class.

3. Every convict is thus required to remain in the probation class for a minimum period of one year, reckoned from date of conviction.

3A. *Convicts sentenced to penal servitude for three years will serve one-fourth of their sentence in each class instead of one year, and earn the marks for nine months accordingly.*

4. If conduct and industry are good, they will then be promoted to third class, and so on to second class, remaining in each a minimum period of one year.

5. The remainder of the term of imprisonment will be spent in first class, unless promoted to special class or degraded to any lower class.

6. Convicts in probation, third, or second class may for misconduct be subjected to serve an additional period in such class in which they may then be serving, and if in third, second, or first class may be degraded to any lower class for any stated period. Such number of days to which they may be reduced to be multiplied by eight, and the number of marks accruing therefrom to be served in such lower class in addition to the one year.

7. These classes, as far as possible, to be kept separate from each other.

8. Convicts in the probation class will wear the prison dress without facings or badge. They will receive no gratuity nor receive visits, nor receive or write letters (except one letter on reception or on removal from one prison to another), and they will be allowed but one period of exercise on Sundays.

9. Convicts in the third class will wear the prison dress with black facings or badge. Whilst convicts are located in prisons with other prisoners they will have in addition to the facings a stripe of the class-colour on the right arm from shoulder to wrist. They will be allowed—(1.) To receive a gratuity of 12s., being at the rate of 1s. per month for twelve months, to be earned by marks during the time spent in this class. (2.) To receive a visit of twenty minutes' duration once in four months at such time as may be approved of, and both to receive and write a letter once in four months, provided conduct *in that class* has been good for at least two previous consecutive months. (3.) To be allowed one period of exercise on Sundays.

10. Convicts in the second class will wear the prison dress with yellow facings or badge. They will be allowed—(1.) To receive a visit of twenty minutes' duration, and to receive and write a letter once in three months; conduct to have been good in that class for at least two previous consecutive months. (2.) To receive a gratuity of 18s., calculated at the rate of 1s. 6d. per month for twelve months, to be earned by marks during the time spent in this class. (3.) To have two periods of exercise on Sundays.

11. Convicts in the first class will wear the prison dress, with red facings or badge. They will be allowed—(1.) To receive a visit of thirty minutes' duration, and both to receive and write a letter once in two months; conduct to have been good in that class for at least two previous consecutive months. (2.) To receive a gratuity of 30s., being at the rate of 2s. 6d. per month for twelve months, to be earned by marks until they have earned £3 altogether. (3.) To be allowed three periods of exercise on Sundays.

12. No convict can be promoted to first class unless he can read and write, or has done his best to learn to do so.

13. The special class has been made as an incentive to good conduct and industry.

14. The penal class has been made as a punishment for those who misconduct themselves.

15. For practical purposes, in calculating the gratuities, the following scale may be adopted: In third class, twenty marks are equal to 1d.; in second class, twenty marks are equal to 1½d.; in first class, twenty marks are equal to 2½d.

16. Convicts sentenced to cross-irons, or to wear the parti-coloured suit, or other special treatment, will be placed in the probation class whilst under such treatment, but on release therefrom they will return to the class from which they were degraded, unless the sentence for misconduct specifies to the contrary.

When the country's first Inspector of Prisons, Captain Arthur Hume, took up his post one of his jobs was to prepare a new classification system for prisoners. This is part of the classification for those on penal servitude taken from Hume's report to Parliament.

Lyttelton was quickly becoming a bustling port. The gaol, too, was finding growth overwhelming.

CHAPTER SEVEN

Whipping or Flogging?

In the wake of particularly nasty crimes people still cry today: "Give them the birch!" It is thirty years since corporal punishment was available to New Zealand courts as a penalty and according to the Justice Department's book *Crime in New Zealand*, published in 1969, corporal punishment was available in very restricted circumstances sometime before its abolition.

New Zealand usually followed the laws of Britain and when, in 1867, this country passed the Offences Against the Person Act it adhered to the British Act which prescribed whipping for boys under 16 "who injured people with explosives or stole other people's children." This Act did not provide corporal punishment for adults or for sexual offenders, but the following year New Zealand lawmakers amended it to include adults and to cover indecent assault upon a female or attempting to have carnal knowledge of any girl under 12 years. The maximum punishment was raised from two years' imprisonment to seven years' penal servitude. Another section was added which provided that the offender might be privately whipped once, twice or three times.

The new section of the Act included provisions that the number of strokes could not exceed 50 at each whipping and that a medical officer should be in attendance.

By 1874 it became obvious that it was inconsistent to prescribe corporal punishment for indecent assault and attempted carnal knowledge and not have it for the completed offence. In that year an amendment Act extended the punishment to carnal knowledge of young girls, rape and to attempted rape. *Crime in New Zealand* states that it was in that way that corporal punishment for sexual offences was brought into New Zealand law.

Flogging with a cat-o'-nine-tails for males over 16 was first placed in the Criminal Code Act 1893. Under the code adults could be flogged for eight sexual offences:

Rape, and attempted rape;
Buggery and assault on a male;
An attempt to commit buggery;
Indecent assault on a female;
Carnal knowledge of a girl under 12;
Attempted carnal knowledge;
Carnal knowledge of an idiot or imbecile.

Flogging could also be imposed for disabling in order to commit a crime; aggravated robbery and assault with intent to rob.

The penalties of whipping and flogging were defined as follows:

1. Flogging is the infliction on a person of a number of strokes, not exceeding at any one time fifty, with a cat-o'-nine-tails.
2. Whipping is the infliction on a person of a number of strokes, not exceeding at any one time twenty-five, with a rod.

3. In each case the court shall in its sentence specify the number of strokes to be inflicted.
4. Neither flogging nor whipping shall be inflicted on any woman or girl.
5. Flogging shall not be inflicted on a person whose age does not exceed 16 years.
6. Whipping shall not be inflicted on a person whose age exceeds 16 years.
7. No flogging or whipping shall take place after the expiration of six months from the passing of sentence.
8. Where flogging is inflicted, the surgeon or medical officer of the prison shall be present when the punishment is inflicted; and, if he is of the opinion that the offender is not at any time able to bear the whole or any part of the punishment awarded, he may from time to time order the infliction of the whole or part of the said punishment to be postponed.

Only 17 men were flogged between 1919 and 1935 when the last flogging took place. These received from 10 to 15 strokes of the cat. Fourteen of them had committed sexual offences, 11 with a child. Five of the offenders were under 20 years, eight under 40, three under 50 and one was 51.

Few cases of flogging in Lyttelton Gaol were published in the newspapers but one attracted a lengthy report in the *Press* on January 30, 1873. Patrick McCloy was found guilty in the Supreme Court of indecently assaulting a child at Southbridge, near Christchurch, and he was sentenced to twelve months' imprisonment with hard labour. McCloy was also to be given 12 lashes in the first month of his sentence.

The reporter told his paper's readers: "We are bound to say that unless some alteration is made in the mode of administering what is supposed to be a severe punishment, the award of lashes, in addition to imprisonment in Canterbury, will be simply a farce. As given yesterday we can safely say that boys of 12 or 13 years old undergo far more punishment at any of our public schools than the culprit received."

McCloy's flogging took place in a small yard off the main enclosure of the gaol. A sort of frame composed of two uprights of heavy pieces of board nailed across at intervals was placed against a wall at one end of the yard.

"The unpleasant duty of flagellation was performed by one of the warders. The cat used being not at all a formidable looking thing," the report said. "It was composed of a short wooden handle, some 9in in length, hanging dependent from the top nine pieces of common whip cord with a knot in each tail."

McCloy was bare back and showed signs of "extreme fear." The first three strokes were light indeed — "a portion of the cat not touching the back at all, but falling on the trousers." Even so McCloy cried out lustily — and continued to do so until the end — but even this did not impress the reporter.

"Some of the strikes after this did not strike him and he only received about seven fairly upon his back, no signs of the effect of the flogging being visible only after the sixth strike when some slight marks appeared. When a dozen was applied these signs were exceedingly slight," the writer sniffed.

In contrast to the McCloy flogging, the *Lyttelton Times* of April, 1882, reported that the floggings inflicted on two prisoners — William Hart, convicted of rape at Kaiapoi and sentenced to eight years' penal servitude and two floggings of 30 lashes each, and Charles Emmett, attempted rape, three years' penal servitude and one flogging of 20 strokes — were very severe. Of course, McCloy was dealt with in the period before Captain Hume and the other two men after Hume had taken control of the prisons.

Peter Martin was sentenced in the Supreme Court in Christchurch on April 5, 1880, to five months' imprisonment and to be flogged twice for indecently assaulting a girl. The two were to be 25 lashes of the cat, the first within two weeks of sentence and the second a month later. The *Lyttelton Times* of April 20 reported that at 11am the previous day Martin was brought to the punishment yard in the presence of the Governor, the medical officer and two newspaper representatives.

The *Times* reporter noted that Martin, on being stripped, showed a medium frame, pretty well nourished but by no means of powerful build. He was fixed to the triangle and two warders, one tall and muscular, were to administer the lashes. "The tall one flourished the thongs with a skilful circular sweep and brought them slanting across the prisoner's shoulders with the drawing cut to which the severity of the punishment is mainly due."

As the strokes fell "in measured succession the white back became seamed until there was a broad band of dark red-purple ridges horribly unpleasant to look upon." The only sound Martin gave from first to last was "that of deep-drawn inspirations hissing through the clenched teeth."

Top: All that remains of the cell blocks of Lyttelton Gaol. After the demolition of the gaol the cells that remained were left boarded up for years.

In this courtyard of the gaol the floggings could well have been carried out. The picture shows the only remains of cells at Lyttelton.

Right: Matthew Michael Cleary, who was gaoler at Lyttelton from 1888 to 1900. He was an Irishman who never smoke or drank and some say he never smiled either. He boasted that no-one ever escaped from the prison while he was in charge.

However, his struggles were tremendous and as each stroke fell Martin "glared at the warder with a deadly hate that made him look more like some wild beast than a human being. But despite his struggles and menacing looks the Nemesis of his crime had to be encountered. Only for a few brief moments was there respite while a second warder was changing place with the one who had laid on the first dozen. Suffice it to say that the degrading punishment was rigorously inflicted.

"Perhaps the most extraordinary sight for an onlooker was the absolute calm, every day, aspect of the man when his punishment was ended."

The *Police Gazette* shows that 83 boys were whipped between 1920 and 1933. The number does not include all boys who were whipped in that period but only those who were convicted in magistrate's courts. It is not known how many were dealt with in children's courts.

The boys received from four to 12 strokes of the birch. It is known that in some cases the full punishment was not carried out. Whippings were given by the police, child welfare officers and sometimes by the parent to the satisfaction of the police.

Whippings were carried out with either a leather strap, a webbing belt "with edges removed", a piece of dowelling, a cane or a piece of wood.

Corporal punishment was finally abolished in 1941. It long had its critics and the former Lyttelton Gaoler, Matthew Cleary, said: "One thing I am extremely glad of is that at Lyttelton I never had to punish a prisoner with a flogging. The late Sir John Denniston was a most humane man and after I left the service and was at liberty to do so, I went and thanked him personally for that one thing — that he had never ordered a man to be flogged.

"Such a punishment, to my mind, is worse than hanging. Really I would rather almost see a man executed than flogged. It is terrible to see a man's flesh gradually become black under the lash. Rather than flog a man I would give him double the sentence. I do not for one moment say that for a certain class of crimes, especially those against women and children, the offenders do not deserve floggings but I would rather other people see the punishment inflicted than that I did. You want to witness a flogging to know what it really is," Cleary said.

Flogging was always a controversial subject. In 1884 there was discussion in the House of Representatives whether it was part of a prison officer's duty to flog a man if ordered to do so. One Parliamentarian said that any worthy of the name would resign rather than flog a man. The officer had to live with and supervise the man he had flogged. Parliament did not reach any decision.

One man did all the flogging in Wellington Gaol but in Napier the officers offered to pay from their own pockets to hire a man to do it. In Auckland officers were known to be "taken ill" on being told that they had to flog prisoners. Hume tried to introduce a "bribe" system by offering officers £1 a flogging.

The use of irons as a punishment disappeared from prisons before flogging. Talking about the use of irons, Gaoler Cleary said: "When I first went to take over charge of the gaol at Hokitika there were three fellows there in irons. The prisoner had to wear the irons day and night for the whole of the period in which he was sentenced to be kept in them and as a punishment it was a heavy one. The irons would weigh from 5lb to 15lb according to the offence, and they were strapped across from ankle to ankle. There was another strap attached which the prisoner could take hold of and pull up, thus relieving the weight of the irons on his feet as he shuffled along.

"I always tried to, and succeeded, in getting the irons off any prisoner as quickly as possible. They're done away with now and it's a very good thing, too," Cleary said.

The final reference to the use of irons as a punishment in the Justice Department's records was in 1897. It reads, "Lyttelton Prison — J.M. Wilful damage to prison property, seven days in irons."

As a final comment on flogging there is the anonymous observation by a Christchurch newspaper writer following the flogging of a man in Lyttelton Gaol in the 1870s: "If the Chief Justice who orders a flogging can move an honoured figure among the great ones of the land, then the warder who wields the cat-o'-nine-tails should be able to hold up his head among honest toilers and not be ashamed of what he has done. Yet everyone knows if a man ... had cut a man's back in ribbons that day there would be an instinctive movement of recoil from him. Even the judge who orders the flogging would not regard him as a fellow craftsman of a humbler sort."

CHAPTER EIGHT

To Hang or Not to Hang

Hanging, now abolished in this country, and used exclusively for murder, is, to many, just as abhorrent as the crime of murder itself. Seven men were hanged in Lyttelton Gaol for murder.

Hanging was last used in New Zealand in February 1957 when a 68-year-old farm manager was executed at Auckland for poisoning his wife. The only woman to be hanged in this country was in 1895.

Forty years earlier, hangings were in public but in 1862 they were moved behind prison walls. The first execution for murder in this country is thought to have been in 1842 and from 1870 to 1909 there were about 20 hangings.

Long opposed to capital punishment, the Labour Party commuted all death sentences and in 1941 abolished the death penalty for murder. The National Party restored it in 1950 and from 1951 to 1957 there were eight executions from 18 convictions. With a change of Government again the Labour Party operated the "automatic exercise of the Royal prerogative of mercy" and in 1961 a free vote in Parliament saw capital punishment removed — except for treason.

Today murderers spend many years in gaol. Fifty years ago the famous American lawyer, Clarence Darrow, talking about executions, said: "Questions of this sort are not settled by reason; they are settled by prejudices and sentiments." Others have asked if the death penalty is more humane than existence in prison. A suggestion has even been made that a prisoner should make a choice between life imprisonment or death and the type of death.

People still living in Lyttelton, who were there at the time of a hanging, remember the depressing atmosphere which descended on the port on the morning of a hanging.

Mrs Ivy Gray of Ripon Street, Lyttelton, said children climbed the surrounding hills trying to see the hangings. "In a little place like Lyttelton the knowledge of an impending execution used to hang like a pall over the whole town," she added. Hangings always made them sad, she said. "I remember as kids that we always thought how sad it was for a man to be hanged. The tolling bell on the day a man was hanged made us sad. After school we went and put flowers on the grave of a hanged man. It was in the Roman Catholic section I think. We used to say: 'He must have a mother.' We thought it was all so sad."

Another woman said: "As a child I used to hide if I heard the bell tolling for a hanging, though other girls tried to find vantage spots to see what was going on." Others recalled the tolling bell, many citing the hanging in 1918. But in deference to the wishes of the residents of the port in 1918 the bell was not rung at 8am for the gaol's last hanging. Nevertheless, many old residents will swear they remember it ringing.

Another Lyttelton resident, Mr Hilario Banfield, was told that many who attended a hanging felt sick afterwards. "They were taken to the governor's quarters for a stiff whiskey," he said.

The former gaoler, Matthew Cleary, considered capital punishment a terrible thing and he said he

had "not been quite myself for a period of months after witnessing an execution. You would see the poor fellow brought from the doomed cell between two warders, his leg irons taken off, and then marched to the gallows. A few moments and he is gone."

The seven men who went "for the drop" in the yard at Lyttelton Gaol were:

John Dinsley Swales — hanged April 1868.
Simon Cedeno — April 1871.
John Robinson Mercer — May 1875.
William Sheehan — July 1897.
Alexander McLean — August 1901.
Alfred Mortram Biddle — December 1913.
Frederick William Eggers — March 1918.

The bodies of Biddle, Eggers and McLean are side by side in unmarked graves in F row in the public cemetery in Lyttelton while Sheehan is buried in the Roman Catholic section. The cemetery looks down on the site of the old prison with less than 100 yards separating the two. But there does not seem to be a record of the burial spot of the remaining three — Swales, Cedeno and Mercer. The town's first cemetery was placed high above the port by Holy Trinity Anglican Church. Its records of deaths have no references to these three murderers.

In England, those hanged were often buried within prison precincts. Some Lyttelton residents say they heard that the bodies were cemented in the walls or put in quicklime within the prison. As space was so precious in Lyttelton Gaol it is probable the three were buried in unmarked and unrecorded graves somewhere outside the gaol. But then again some dust-covered file might one day reveal where the three were last laid to rest.

Mystery always surrounded the hangman. The man who carried out such a job would naturally want to preserve his anonymity. For hangings at Lyttelton Gaol both the hangman and the scaffold came from Wellington. In the early days the Government brig was used for transportation.

At the time of the hanging of Biddle there was a flurry of publicity in newspapers about a farmer volunteering to be hangman as he felt it was the duty of every man to assist in the protection of farmers' wives living in remote country areas. He was reported as saying that, after taking out his expenses, he would give £25 to the Red Cross. He was not named, of course.

Wellington newspapers said he was a farmer from the Wairarapa district. His name and those of other hangmen will forever remain unrevealed in confidential files of the Justice Department.

But there is one reference to the hangman in the 1890s. A prisoner, whose initials were E.F., gaoled for three months with hard labour, was the hangman at two executions. His conditions were that he got £15 and his discharge from prison. Later the same man hanged Minnie Dean in 1895. He received £25 and the cost of his ticket to Invercargill.

There is an interesting sidelight to the Biddle hanging. While Biddle awaited execution in Lyttelton Gaol a young German called Arthur Rottman working on the schooner *Hinemoa* at Lyttelton, applied for the job of hangman. Rottman was later hanged himself by the man who got the job of hanging Biddle. Rottman, described as a quiet 21-year-old, sober and well-liked, was helping on a farm at Mangaweka in the North Island. When the First World War broke out he was registered as an enemy alien, having been in New Zealand a few months. On December 29, 1914, after drinking, he went berserk and killed the farmer, his wife and infant child with an axe. The Supreme Court trial was told there was a history of mental illness in his family and this was coupled with drink on that day of murder. Rottman, who wanted to be a hangman, died on the gallows himself.

Top left: The only woman to hang in New Zealand was Minnie Dean, in August, 1895.

Top right: H.G. Banfield has lived in Lyttelton for more than 60 years and remembers the hard labour gang.

Bottom right: Children would try to watch hangings from hills above the gaol. This picture, taken about 1930, shows the newly-created playground where the cells once stood. The high walls can still be seen and, at the right, the gaol steps.

This is what Colombo Street in Christchurch looked like in 1868 when John Swales killed his partner in their shop. Witnesses at his trial told how Swales stood outside and watched the shop as it went up in flames.

CHAPTER NINE

Murderous Seven

"Every effort had been made by the authorities to conduct the proceedings with decency and expedition. And in all respects they were successful. The privacy now invariably observed on such occasions was also provided for, and with but little exception, was secured. It is worthy of remark, that the morbid excitement generally prevailing at executions in the Old Country, was not apparent in this instance." That was the comment of the *Lyttelton Times* in the course of describing the hanging of Swales.

But what led each of the seven to their executions in Lyttelton Gaol?

SWALES

A 56-year-old shopkeeper stood outside his blazing shop in Market Place, Christchurch, on the night of February 7, 1868. He was fully dressed, even to his bell topper hat, but he watched his partner burned to death inside the wooden building.

The shopkeeper was John Dinsley Swales or, as he was charged in the Supreme Court, John Densley Swale, alias John Swale Densley. He was charged the day after the fire with the murder of his partner, John Rankin, and appeared for trial in the Supreme Court in Christchurch on March 5, 1868, before Mr Justice Gresson.

Swale's real claim to fame, however, is that he was the first person to hang in the province of Canterbury — 18 years after its beginnings.

Before he emigrated, Swales was a small shopkeeper in Cheltenham in the west of England. He arrived in Lyttelton as a steerage passenger in the *Ivanhoe* in 1864 and is believed to have left a wife and children behind. After a short time he got to know Rankin, some years his senior, and they went into business.

They did well at first but bad times came on and, with Swales rather liking his liquor, they "gradually became reduced in circumstances" until at the time of the fire the shop was almost out of stock.

The two quarrelled in the last days but they continued to live together upstairs above the shop. On February 7 they went to bed about 10pm having argued again that evening.

An hour later a south-west wind was whipping a fire through the premises. Miss Sarah Ann Pope, a shopkeeper next door, told the Supreme Court jury that she heard a noise of shelves giving way and bottles breaking coming from a lean-to at the rear of the shop next door. She said she also heard cracking and noticed flames. She dashed out and saw Swales dressed in dark clothes and wearing his bell topper hat. "He was standing still with his hands at his side," Miss Pope said. "I neither heard nor saw him raise the slightest alarm. I ran into Money's (Victoria) Hotel calling 'Fire'."

A police inspector, Peter Pender, said he went up to Swales who was standing in front of the fire. He

asked if Rankin was in the premises and Swales replied: "I had to leave him there." Swales told the inspector they were both in bed asleep when smoke awoke him. He called to Rankin who just snored and turned over but did not get up. Swales then escaped through the flames, Pender told the court. Swales added that in the excitement of the moment he forgot Rankin.

Rankin's body and the remains of his bed were found inside the front door, having crashed down from the first storey.

Pender said the next day he was in Mr Money's Victoria Hotel when he overheard Swales talking to others about the fire. Swales was asked how it was that his clothes were not scorched. "I heard him repeat his story of how he rushed through the fire," Pender said. A man named Walton, who Pender said was under the influence of drink, said to Swales: "Haven't you just told me that you and your mate set fire to the house?" Swale answered, "Nonsense", Pender told the court.

Charles Frederick Money, publican, said he asked Swales next day about getting dressed in the fire. Swales told him he was undressed at the time but added he had not taken off his collar and necktie. He said he had dressed in the backyard.

A carpet bag later found in the yard contained the insurance policy on the premises.

Elizabeth Smith, wife of the publican at the Wellington Hotel in Colombo Street, said she heard Swales talking of fires earlier on the day of the fire. He mentioned that business was dull and thought about going to Melbourne.

Constable Henry Kennedy was on duty in Market Place when the alarm was given. He said after a while he saw Swales walking towards the fire from the direction of Money's hotel. He was walking quite leisurely and not raising any alarm.

Another constable, William Smith, said Swales remarked to him: "It was a good job the place was burnt as I was tired of it."

On being told he was under arrest Swales said: "My God, do you mean that? I never set fire to the house and am sorry for the old man."

Told also that he was being taken to the lock-up, Swales walked away and then suddenly said he was not going any further. He told Pender he had no right to take him. "I will not go unless I am dragged," Swales said. So Pender and another detective obliged and Swales was dragged to the police lock-up.

Swales' trial for murder ended on the second day. The jury returned with a guilty verdict but added a recommendation of mercy "on the ground of evidence being circumstantial." But Mr Justice Gresson said: "I do not understand you. Such a recommendation implies a doubt on your part as to the guilt of the prisoner. If such is the case you had better reconsider your verdict."

The jury talked awhile without leaving the jury box and said it still agreed on a guilty verdict. So without hesitation the judge assumed the black cap for administering the death penalty and said: "I have no reason to hold out to you any hopes of a remission or commutation of your sentence. Short as the time is you may yet make your peace. I implore you to employ the short time allowed you in this world in doing this and effect a reconciliation with your God."

Perhaps Mr Justice Gresson got his way, for in a statement two days before he was hanged Swales wrote: "I confess, O Lord, before Thee and before man, that, without thought etc ..."

He later made another lengthy statement in which he resigned his "most precious and immortal soul into the hands of my blessed saviour ..."

Swales said in the second statement that he tried once before to set fire to the house and added that since that attempt had often thought of burning it down to get the insurance money. He never actually said he intended killing Rankin in any statement he made.

He finished his last statement at one o'clock on the morning of his execution. At 6am two clergymen visited Swales and they prayed together. Swales was reported to be reticent and taciturn.

He died on the scaffold at 8.15am on April 16, 1868; the first of seven men to be executed in Lyttelton Gaol.

Top: Police Inspector Peter Pender who arrested Swales for the murder of his partner, John Rankin.

Left: Mr Justice Gresson who told murderer John Swales he had no hope of commutation of the death sentence. Swales was the first of seven men who were hanged in Lyttelton Gaol.

CEDENO

It was just before four o'clock on an afternoon in January. Mr Patrick Campbell and Mrs Eliza Robinson were making polite conversation in the dining room of the large two-storey house at the corner of Salisbury Street and Park Terrace, Christchurch.

The servants were in the kitchen and scullery busy with their duties.

The master of the house, the Hon. William Robinson, a member of the Legislative Council, was out buying a bull for his Cheviot Hills Station in North Canterbury. Robinson acquired the station about 1856 after making his fortune in Australia. At one time the station was said to be the finest in the Empire, covering 84,000 acres, running 60,000 sheep and hundreds of horses and cattle.

Robinson was born in Lancashire, about 1805, and went back to Britain in 1860 with his family of five daughters. While there he raced horses successfully but returned to New Zealand in 1866. He set up home in Christchurch, first at Ilam, then in Park Terrace.

When Robinson, known as Ready-money Robinson, went out to get his bull that day all was well. Suddenly, at 4pm on January 9, 1871, the peace was shattered and blood was flowing in two rooms.

A housemaid working in the scullery was cut about the face and breast and another was chased through the house to the dining-room. There she was viciously stabbed three times. And there the girl died — face down on the dining-room hearth rug before Mr Campbell and Mrs Robinson.

The few minutes of terror over the murderer, 32-year-old Simon Cedeno, a light-coloured Negro from somewhere in South America, probably Colombia, calmly handed over the weapon — a silver-handled bread knife with a seven-inch blade.

Cedeno was many things to many people. To Mrs Robinson he was obliging and obedient, to Catherine Glenn he was both kind and surly, and to others in South America he was a madman and a wildman.

Ready-money Robinson first met him in a hotel in Panama on his way home from England. A hotel landlord gave Cedeno a good character reference (probably to get rid of him) and Cedeno came to Canterbury to be a butler.

He worked both at the Cheviot Hills Station and the town house and apparently he was fairly satisfactory for most of his four years' service. But some months before the fateful day Robinson caught him chasing a servant girl in a "very violent manner."

They argued (by this time Robinson had heard Cedeno had a reputation as a troublemaker in Panama) but there were no further incidents until a few days after New Year. About this time Cedeno was making plans for marriage.

The housemaids, Catherine Glenn (or Glynn) and Margaret Burke, Irish-born and 22, teased him about his coming marriage, but were warned not to do so — no doubt because of Cedeno's bad temper. That warning was given on the Sunday.

The next day something drove Cedeno to attack the girls. He was cleaning knives in the pantry that afternoon and Glenn said later she saw him looking at Burke, scrubbing in the kitchen, in the "most awful manner."

But it was Glenn he attacked first. She was humming a song when he grabbed her, saying: "I've caught you now!" Cedeno tried to cut her throat but Glenn, fighting back, was cut on the neck, breast and hand. She fell against the pump and Cedeno shouted: "You're done for."

He left and she ran out the back door and round to the front of the house.

"When I was coming round I looked into the dining-room window and saw poor Maggie (Margaret Burke) running and stumbling over the chair," Glenn told the Supreme Court trial in Christchurch in March 1871.

They raced into the dining-room by the other door and Cedeno cried: "You talk of my girl."

Campbell moved to get Cedeno but he was too late. Burke fell over as Cedeno reached her. As she lay on the floor on her right side he plunged the blood-covered knife in her, piercing her heart three times.

Campbell (later to marry the youngest Robinson daughter) and Mrs Robinson pulled Cedeno away as Burke rose. She struggled a few yards across the room and collapsed.

The Hon. William Robinson who was threatened by murderer Simon Cedeno. But Robinson was away for the day when Cedeno stabbed a girl to death on Robinson's dining room rug. He paid for his crime on the gallows at Lyttelton Gaol.

Mrs Robinson said: "She staggered forward on her face with her hands spread out. She was dead I believe when she fell. The blood flowed from her profusely."

Not only did Burke's murder cause a sensation in Christchurch but she became involved in a legend after her burial — the legend of the bloodstained tombstone. She was buried in the Barbadoes Street cemetery and for more than 90 years Christchurch residents related the tale of poor Maggie Burke, her violent death and the subsequent bloodstained tombstone. However, in May, 1962, vandals pushed over the headstone, smashing it to pieces and revealed the truth. The "bloodstain" had been caused by a rust-coloured sandstone stratum in the granite. That flaw was the size of a man's hand — and the legend was ended.

Cedeno's life was nearly gone as he sat in the dock of the packed courtroom. The evidence was overwhelming. On the way to the police station immediately after the killing, Cedeno said: "I would have killed Robinson if he had not gone out on business."

So Robinson lived another 18 years. The episode at his home on January 9, 1871, took ten minutes and the jury took the same length of time to decide Cedeno was guilty of murder.

Cedeno had nothing to say when asked by the Judge and, after the sentence of death, he was handcuffed and taken to Lyttelton Gaol. Almost a month later he was hanged.

MERCER

Pretty Isabella Thompson missed celebrating her 12th birthday by 14 days because she died under a gorse hedge in the grounds of the Lyttelton parsonage on January 9, 1875. Her throat was cut.

Child murder is always more horrifying than most other crimes. So the shock to Lyttelton residents that day was most acute. It was four years to the day that Simon Cedeno had committed murder in Christchurch.

Isabella had a few errands to run on the afternoon of January 9 but somehow John Robinson Mercer, a seaman, managed to divert her from them.

Mercer had been imprisoned in Dunedin two years earlier for indecently assaulting a ten-year-old girl and there were rumours of his doing something similar to another girl on the West Coast. He was bearded, aged 31, married to a woman living in Melbourne and the father of a child. He originally came from Edinburgh or Liverpool.

The end of Isabella's life, and eventually his own, started with Mercer, the cook and steward on the schooner *Canterbury*, being paid off on the morning of January 9. Mercer collected his pay from the master of the *Canterbury*, John Russell, and probably filled in most of the morning drinking and transferring his possessions to the *Cleopatra*, anchored in the stream at Lyttelton, beside the *Canterbury*.

He was to be the new cook on *Cleopatra* but was destined never to sail in her.

Mercer appeared in the Supreme Court in Christchurch before a jury and Mr Justice Williams on April 9, 1875, charged with the murder of Isabella Thompson in the parsonage grounds at the corner of Oxford and Ripon Streets. The scene was only a stone's throw from the gaol.

The mate off the *Canterbury*, James Allen, told the court that he saw Mercer about 5.10pm with a little girl. "They were walking side by side," he said. Mercer came up to him and Captain Russell in the street. The girl stood at the corner waiting, Allen said. As they spoke she moved away up the street towards Scott's public house and Mercer followed.

"She then ran five to six yards," Allen told the court. So did Mercer and he overtook her before she got to the skittle alley of the Albion Hotel. They continued side by side. That was the last time Isabella was seen alive.

She died from a five-and-a-quarter-inch-long wound and other smaller cuts around her neck.

The girl's body was discovered about 6pm by Alfred Simmonds while driving his cows in Ripon Street. It was naked to the waist. The main part of her dress had been torn off.

Fifteen minutes earlier John Skeet looking at the parsonage garden saw Mercer shaking his coat about nine feet from where the girl was found. There was blood on his right cheek as he left. "He was in a hurry, going towards the railway station," Skeet said.

When the 6pm train pulled out from Lyttelton, Mercer and Robert Russell shared the same carriage. Russell told him he should wash his hands as they were bloody. Russell told the court that Mercer also had two spots of blood on his face which appeared to be fresh.

Mercer said he had been killing a sheep.

"I more especially noticed blood on the forefinger and thumb of the left hand. The blood had not darkened," Russell told the court.

The next day, Mercer was aboard the *Cleopatra* when Christchurch's chief detective Harry Feast arrived. He noticed a large piece of skin had been torn off Mercer's nose. Mercer said he cut it some days before while on the *Canterbury*.

Said Feast: "You murdered that poor girl; that is the mark of her fingers — the brand of Cain on your nose." He found blood on Mercer's clothes and gorse prickles stuck in them. At Lyttelton police station more gorse prickles were taken from his knees and legs.

Isabella, too, was covered in gorse thorns. So was her clothing.

So the Crown's case was built up and the most Mercer's counsel, Mr Joynt, could do was to cast doubt on the evidence. No witnesses for Mercer were called.

The jury took just 12 minutes to find Mercer guilty of killing Isabella in broad daylight just off a

The scene at the port of Lyttelton when seaman John Mercer came ashore from the ship *Canterbury* in 1875 and murdered young Isabella Thompson in the grounds of the vicarage. Mercer was to hang in Lyttelton Gaol only a matter of yards away from where he killed the girl.

public street. When he was asked if he had anything to say, Mercer replied "... I am not guilty. If 50 jurymen had found me guilty, I am not guilty. I never killed that child."

Mr Justice Williams must have been unimpressed for he snapped: "You can expect no mercy from the society you have outraged."

To avoid scenes outside the court, Mercer was taken out a side door while a carriage was used to divert the attention of the crowd. In the train to Lyttelton he smoked his pipe and "now and then beat time with his feet as to a tune on the floor."

At Lyttelton, however, the town's folk — still appalled at Isabella's death three months before — waited in their hundreds to jeer and hoot at him.

A month later he died on the gallows. The night before he jocularly asked if he could go for a walk "for an hour for a nip" because, as he pointed out, it would be cold next morning at eight o'clock.

At 8am on May 8, 1875, a "thick, ugly, well-greased" rope was placed around Mercer's neck and he said: "Farewell gentlemen; and may God have mercy on my soul."

If Matthew Percy, another seaman from the *Canterbury*, had done anything or been able to do anything on the morning of January 9, Isabella would have probably celebrated her 12th birthday. For Mercer told Percy he would get a girl in Lyttelton that day but if he didn't have her he would cut her throat.

Right: Mr Justice Williams told murderer Mercer: "You can expect no mercy ..."

Below: The murderer Mercer paid off the schooner *Canterbury* to roam Lyttelton to kill a young girl.

Opposite page: Two views of Sheehan's victim, 16-year-old Agnes Lawcock. A sketch made about the time the girl was murdered and a photograph taken with her mother when she was three.

SHEEHAN

If William Sheehan had not confessed to murder, his goitre-swollen neck would probably have led him to the gallows. Sheehan was an unfortunate-looking youth. He was nearly six feet tall, he stooped, had a large mouth and drooping thick lips. His nose was large and his ears stood out prominently. But most dominant was the ugly goitre. Everyone remembered him because of it.

He drifted around the country for many years, although he was to die when only 21. He was in and out of crime. Several times he ran away from the Nelson Industrial School where he was committed for petty crime.

By April, 1897, this son of a Wellington bootmaker was in Amberley, North Canterbury, begging for provisions or stealing them.

About 10.30am on Wednesday, April 28, the youngest daughter of Mrs Hilda Lawcock, a widow, left the family farm, about a mile and a half from Amberley, to get the mail, papers and groceries from the town. She carried an umbrella and a shopping basket.

Agnes Lawcock was just 16, tall, delicate, quiet and retiring. She set off on foot and in about 20 minutes reached the plantation known as Parsons Bush, just outside Amberley.

That is where Sheehan and Agnes met. From the medical examination it is obvious that Sheehan clubbed her down, sexually assaulted her and cut her throat in a brutal fashion.

Then he gathered recent clippings from a gorse fence lining the plantation and piled them on her body. The basket was still on her left arm. Her umbrella, its handle broken, was left five feet away where it landed in the struggle before Agnes lost consciousness.

Eight wounds were inflicted to her neck and throat, the main one being three inches long. Her ears were cut and the lobe of her right ear was severed. There was a small stab wound over the heart but it was through Agnes's corsets and underwear — not her dress which was disarranged.

A search party was organised to look for Agnes when she was reported missing by her mother. The girl's body was found at dusk. Amberley's only police constable, William Roche, then remembered a youth going past him "pretty fast" on the way north that afternoon. He set off for Waikari and later arrested Sheehan at the Star and Garter Hotel.

Sheehan was sleeping in an outhouse at the hotel covered with a tent (stolen from the district) and some sacks. He gave his name as Hugh Fraser and said: "You are making a mistake."

Two days later Mr H.W. Bishop, SM, held an inquest at Amberley and after lengthy evidence directed the jury to return a verdict of wilful murder. Immediately the inquest closed Bishop opened the magisterial inquiry and the same evidence was given again. Part of the evidence was a confession signed by William Sheehan, although he was charged under the name of Hugh Fraser.

Part of the confession read: "On yesterday I met a girl on the road. I did not know her. In a fit of passion, I assaulted her and murdered her. I met her in the plantation about dinner time. I knocked her down with a stick and I covered her over with gorse and went away. I killed her with a knife — the knife found on me. There was no blood on the knife and I got none on myself. I don't know what made me do it at all. I never saw her before."

Other evidence was given suggesting that Sheehan had tried to wash blood off his clothing and Dr William Fitzhenry of Amberley said Sheehan had scratches on his face, thigh and on the goitre. He also said Agnes was unconscious when she was "murdered and outraged."

In spite of the anger Amberley residents must have felt they suffered Sheehan very well. He was marched through the township between the lockup and the courthouse four times a day. The biggest demonstration of anger was when two "excitable women shouted out to him in his hearing."

When he was committed to the Supreme Court in Christchurch for trial a large crowd of mainly young people gathered at the Amberley railway station to see him off. Crowds also gathered at Rangiora, Southbrook and Kaiapoi for a glimpse of Sheehan as he was taken through. In Christchurch a couple of hundred flocked to the station and "fairly rushed" the carriage.

A large contingent of police was expecting them and kept the milling crowds off but the carriage had to be shunted into the middle of the railway yard until the Lyttelton train was ready to take him to the gaol.

Worse was to wait Sheehan and the police at Lyttelton railway station. An estimated 500 waited in the port and "hustled their journey up Oxford Street and many opprobious remarks were called after the accused." The crowd hooted and groaned and it was with difficulty that the police kept back the crowd before he was safely inside the prison.

The crowds were out again on June 16, 1897. This time they were outside the Supreme Court in Christchurch. They made an early rush for seats and heard the Crown Prosecutor, T.W. Stringer say: "Sheehan probably knocked her unconcious with some heavy stick; that while she was still senseless he had gratified his beastly desires and then, being alarmed lest he should be identified, brutally murdered her."

Sheehan was represented by T.I. Joynt, an experienced lawyer who was paid by a Government grant. He admitted he had little in the way of defence but relied on evidence given by Dr Symes. The doctor said Sheehan might have an "affected brain." He was a "goitrous, degenerate man suffering from Satyriasis, with abnormally exaggerated sexual desires which were not uncontrollable."

Dr Symes also thought Sheehan might have epilepsy which might induce impulsive insanity, but he believed the youth knew he was doing wrong.

On insanity, Mr Justice Denniston said it was a word with almost infinite possibilities. "There are broad belts between the extremes of what people call insanity. There are medical experts who almost go the length of suggesting that all crime should be called insanity."

The jury was not concerned with insanity as a defence. It took just 16 minutes to find Sheehan guilty of Agnes's death. He was hanged a little over a month later. His last wish was that he should not be buried in the precincts of the prison.

Before he died Sheehan wrote a letter "of forgiveness" to Mrs Lawcock. "... I fervently pray and do pray that she (Agnes) may find by God's grace a place in heaven. I am grievously sorry for the sins which I committed in a moment of my passion."

His passion had also led him to assault a married woman only two weeks before the day he killed Agnes on the plantation path. How significant was a piece of newspaper found in Sheehan's too-large Wideawake hat containing a report of a Petone murder trial? The central figure in that case, Stephen Bosher, also used a knife to commit murder. He stabbed an elderly couple in the Petone Salvation Army barracks on August 27, 1896.

Top: The crowd that turned up at Amberley in North Canterbury for the magistrate's hearing of the case against William Sheehan, accused of killing a local girl, was so large that the tiny courthouse could not accommodate them all and many stood outside listening through the open door. *Bottom:* Murderer William Sheehan (centre, in wideawake hat) is escorted handcuffed to the Amberley Courthouse.

McLEAN

Sankey's hymns floated from the living room of the homestead. Three adults sang lustily and a four-year-old lad filled in where he could. The music was provided by 40-year-old Miss Ellen Martin on her harmonium. Singing with her were her 70-year-old widowed mother, Mrs Sarah Martin, Mrs Martin's grandson Lawrence, and a manservant, 28-year-old Alexander McLean.

The scene was a peaceful and happy one. Earlier they had made plans to go to Christchurch the next day — Saturday, June 22, 1901 — to see the Duke and Duchess of York who were touring the country. So they could get an early start, McLean had washed the trap ready for the 20-mile trip from the Eyreton farm to Christchurch.

The four sang hymns before old Mrs Martin and Lawrence Martin, who was on a visit to the farm, went to bed about 8pm. McLean retired with them but Ellen went to the kitchen to finish ironing some sheets.

About 3am Ellen roused McLean and asked him to let the horses out as they were making a noise. He forgot to put them out of the stable when he went up to bed that night. He let the horses out and returned to the kitchen where he found Ellen still ironing.

Then, in McLean's own words, he "attempted some familiarity." But she resisted and hit him on the head with a poker. He fell down and then, in a mad fit, picked up a tomahawk and attacked her about the head.

From there McLean rushed to Mrs Martin's bedroom. He savagely attacked her about the head with the tomahawk and dealt similar blows to young Lawrence sleeping in a makeshift bed on the floor in a corner of his grandmother's room.

Within minutes three members of the Martin family of Eyreton were dead.

Several days later Police Constable Simpson found Ellen Martin with her head "terribly mutilated." She had six wounds and one finger was cut off in the struggle. Mrs Martin had four head wounds, any one of which was sufficient to kill her, and Lawrence had two head wounds.

Constable Simpson found the hatchet in an upper room and a doctor was later to tell the Supreme

Court in Christchurch that it was smeared with blood and hair. There were three different types of hair — from each victim.

After his gruesome rampage, McLean (sometimes known as Stewart McLean) ransacked the house taking Ellen's purse containing £9 and her silver watch and chain.

When the Supreme Court trial started on August 7, 1901, Mr Justice Denniston was on the bench and a horse was tethered outside. It was the horse McLean took with a cart when he fled the homestead and headed around north and mid-Canterbury.

He first went north towards Oxford and, when in the Terminus Hotel, Oxford, he said he was heading for the West Coast. The next day he was seen driving the horse and cart but later was seen riding the horse. He told a major in the district he was "looking for men who had stolen horses."

He then disappeared for three days but on June 26 he turned up at the railway hut of Oliver McArley, a platelayer at Anama, 22 miles from Ashburton. The next day he was arrested by Constable Eade of Ashburton.

From then on McLean was to confess to the killings and express regret. "I don't know what possessed me to do it as I only got £10," he said. "I had got on very well with them and they were very good to me."

So strong was the case against him that his counsel, Mr Joynt, rose and said: "However experienced a lawyer might be, it would be hard to concoct a defence when unsupported by evidence." And Joynt was certainly an experienced barrister. He was described as a man who seized the ghost of a shadow of a chance.

A commentator of the day noted: "He is the hero of a hundred causes celebres."

Joynt continued in McLean's case: "If I was to speak for a whole afternoon I could not do much good. It would be of no use to address the jury at any length."

The judge added: "It is one of the clearest cases I have known." Nevertheless, the packed court had to wait 40 minutes for the jury's verdict of guilty. What took the time was a written statement which said Miss Ellen would not have been familiar with McLean in any way.

The death sentence was pronounced without delay and McLean said in a clear voice: "Thank you, your honour." Twenty-four days later, as he walked slowly to the gallows in the solitary confinement yard at Lyttelton Gaol, McLean said "Goodbye" and "Goodnight."

It was three minutes past eight in the morning but as the cap was placed on McLean's head, his final words were: "God be with you all. Goodnight."

Opposite page: The three victims killed by axe murderer Alexander McLean at Eyreton in 1901. Widow Mrs Henry Martin (left), her daughter Ellen and grandson Lawrence.

Right: Alexander McLean, the triple murderer of Eyreton. He went on a rampage with an axe one night and killed two women and a small boy. He died by the noose in Lyttelton Gaol.

BIDDLE

Few murders were as open and shut as the Mayfield murder in 1913. The murderer not only left his hammer and bicycle at the scene of the crime but he also told a neighbour he was going there.

Today, Mayfield, 20 miles north-west from Ashburton, has a population of just over 300. Sixty years ago it was even smaller and a close-knit community where everyone knew everyone's business.

One resident was 28-year-old Alfred Mortram Biddle, the blacksmith, and, when work was short, a farm labourer. Another was farmer-contractor John Allan Lilley whose wife was Rosanna, aged 29. They had four children.

Biddle was a quiet man; small, thin with small deep-sunk eyes. He had lived in Mayfield for four years. He was one of eleven children and went to school in Wellington. His mother died when he was in the fourth standard and he then went to sea for two years.

Then came the afternoon of Wednesday, October 15, 1913. Biddle met another farmer, Robert Montgomery, and told him he was on his way to see Lilley because he was owed some money.

Montgomery said he knew Lilley was out of Mayfield. They went to Montgomery's house for a cup of tea and Biddle left his bicycle against the hedge outside.

He cycled later to Lilley's house reaching there in the early evening. When he knocked Mrs Lilley came to the door in night attire. Biddle told her that Mrs Montgomery was sick and had asked to see Mrs Lilley. She pulled on her boots and a light raincoat over her dressing gown and went with Biddle. She left her eldest child, eight-year-old Leonard, in charge of the other children, aged four, three and one.

The Montgomerys lived about a mile away from the Lilleys' home but 200 yards from her home Mrs Lilley was set upon by Biddle. He assaulted her before bashing in her head with a hammer he used for beating out plough shares.

It was another two days before Mr Lilley arrived home to find his young son in charge. He immediately left for the Montgomery house and soon stumbled over the body of his brutally-battered wife. She was lying face down with her calves exposed.

When Constable Ernest Turner of Ashburton turned over the body he found that the petticoat, dressing gown and light raincoat were pulled up over the abdomen leaving the "lower part of the body quite bare." The hammer was three feet from the body and a pathologist later found blood and hair on it. Mrs Lilley's head was "terribly mangled" and her blonde hair and face were covered with blood.

Residents soon recognised both the hammer and the bicycle left standing near Mrs Lilley's body. A manhunt was mounted and on October 19 Biddle was found in the Hinds riverbed, two miles from the scene of the crime. He was weak and wasted.

Police immediately surmised Biddle had taken poison and a search revealed a bottle of poison for rats and mice labelled "Killemorf." He had taken arsenic. Biddle was ill from the day he was arrested until he was hanged in December the same year.

At the inquest Mr V.G. Day, SM, was told that Lilley owed Biddle 26 shillings but had not received a bill.

Biddle was remanded until October 28 to appear in Ashburton Magistrate's Court and was taken by train to Lyttelton Gaol. He returned by train for the lower court hearing again before Mr Day.

Ashburton station was crowded for his arrival but the police managed to slip him from the train so that only half a dozen onlookers caught a glimpse of him.

Detective Sergeant John Fahey read a statement at the hearing which said: "I didn't know what made me do it. I went to Lilley's to collect some money. I told Mrs Lilley that Mrs Montgomery was ill and wanted her to come. She came with me through the paddock for about four chains. I then hit her on the head with the hammer and as true as God is above me I did not do anything else to her. I hit her more than once. I cannot say how many times."

Dr Charles Rendle, however, said the inside of Mrs Lilley's thighs were bruised and she had five head wounds.

Biddle's trial in the Supreme Court in Christchurch opened on November 20, 1913, before Mr Justice

Right: Murderer Alfred Biddle, still affected by poison from an unsuccessful suicide attempt, arriving at court to face charges that he killed a woman with a hammer at Mayfield. He was one of the seven who died on the gallows at Lyttelton Gaol.

Below: Biddle's victim was Mrs Lilley who was tricked into leaving her home and battered to death in a nearby paddock. This picture shows her with her husband on her wedding day.

Denniston. Biddle was in a state of collapse being unshaven and slumped in the dock. He had not been represented at the lower court hearing but this time Mr Donnelly had been instructed by the Crown to appear for Biddle.

Opening the case for the Crown, Mr T.W. Stringer, KC (later to become a judge himself), said the jury had to consider whether Biddle was so diseased in his mind as to be "incapable of understanding the nature and quality of the act he committed and that the act was wrong." The evidence, Mr Stringer said, showed that Biddle was labouring under no such disability because the killing was the result of a plan deliberately laid and carried out. The motive was to have sexual intercourse with Mrs Lilley.

After the Crown case had been presented in one hour and fifty minutes, Mr Donelly told the jury: "Biddle was not aware of the nature and quality of the act committed." Mr Donnelly said Biddle had "strong hereditary disposition towards insanity." An uncle in England died in a lunatic asylum and his mother committed suicide. Other members of the family had general degenerate and physical failings.

Mr Donnelly added: "Biddle has been the victim of a secret vice which lowered the vitality of the nervous system and sapped the brain power leading to a particular form of insanity." Dr W.H. Symes told the court later that the "secret vice" was masturbation. He also said Biddle was not insane but of the class which he called "moral feeble-minded."

The doctor said that at the time of striking Mrs Lilley, Biddle had not known the "nature and quality of the act and would not have known right from wrong at the time." Mr Donnelly: "You suggest that he was temporary insane?" Dr Symes: "I do not like to use the word insane. An epileptic during his fit is unconscious but we do not call him insane."

Answering Mr Stringer, Dr Symes said up until the moment of murder Biddle was a rational being. He added that Biddle was legally responsible for his action.

The jury brought in a verdict of guilty 15 minutes after Mr Justice Denniston's summing up. Biddle had nothing to say and the judge put on the black cap and sentenced the Mayfield murderer to be hanged. Biddle was carried from the court by two warders.

Almost a month later on December 13, 1913, he was awakened at 6.30am ready for his execution at eight o'clock. The scaffold was brought from Wellington and erected in a small corridor onto which the solitary cells opened.

Biddle was taken from his cell to the scaffold where his feet and arms were bound. Two warders held him as the white cap was put over his head.

A muffled voice came from beneath the cap. It was raised to reveal, according to contemporary newspaper accounts, "a deathly white face." Asked what he wanted to say, Biddle said: "I thank the Lord Jesus Christ is my saviour."

"Is that all?" asked the Presbyterian clergyman, the Rev. Frank Rule. "Yes," Biddle answered.

As the bell tolled, the rope was adjusted over the white cap. The lever was thrown back and Biddle disappeared.

Mr Justice Denniston who sentenced two of Canterbury's murderers, Alexander McLean and Alfred Biddle, to be hanged.

EGGERS

Frederick William Eggers or Eggars or William Eggers McMahon was the last man to hang in Lyttelton Gaol. That was on Tuesday, March 5, 1918, at 8am.

At the time, Eggers was regarded by the police as the most desperate criminal in New Zealand history. But until his death at the hands of the hangman he always denied he committed murder.

There is little doubt about his guilt. The affair started four months earlier on the West Coast when a miner's payroll car was ambushed, the driver gunned down and two other men shot. The headlines in the *Star* in Christchurch on November 9, 1917, read: "Highway Robbery/Fatal Shooting by Masked Man/ Sensational Sticking Up Case on West Coast." The holdup came while many New Zealanders were overseas fighting in the trenches of France but the murder still captured the imagination at home.

On November 9 the paymaster of the State coalmine at Runanga, William Hall, was travelling to the mine from Greymouth having collected the payroll totalling £3,659 16s 8d. In the car with him were the mine manager, Isaac Angelo James, and the driver, James Coulthard.

At a cutting on the Seven Miles Road, quite close to Runanga, the car ran into a box and a ladder on the road. Suspecting nothing, Coulthard got out to move them. As he stepped from the car a man emerged from the bushline at the side of the road. He was dressed in dungarees, wearing a woman's veil for a mask and something pulled around his forehead. He wore no hat. In each hand he brandished a 32 calibre revolver.

No sooner had Coulthard's feet touched the roadway than shots rang out. A witness said the masked man fired shots in rapid succession. He shot all three men, took the money bag, and ran into the bush.

One eye-witness was Peter Manderson, jun., a deputy at the mine, who was riding a bicycle with his son, William, from Runanga to Coal Creek at 9.30am. As they came around a corner Peter saw the box on the road. "At the same time I noticed a car approaching from the Greymouth direction," he told the Supreme Court jury sitting at Christchurch on February 11, 1918. It was the first day of the trial before Mr Justice Chapman.

Manderson said he dismounted and was walking as the car crashed into the box. "A man immediately sprang from the blackberry bushes on the side of the road," he said. He had a revolver in each hand and shouted, "Hands up!"

Manderson told his son to get back "as it occurred to me a robbery was about to take place." The two rushed for the roadside and got under a broken fence before looking back. Shots then rang out. Then they saw the masked man making off with a bag in his left hand.

Coulthard was shot and died on the road within three minutes. Hall was badly hurt. A bullet smashed into a forearm and an upper arm. The bullet which hit the upper arm penetrated the body and lodged in his spine. He was paralysed in his legs from that moment and died in hospital on December 27. James was hit in the leg but his wound was minor.

It is thought that shots were also fired in the direction of the watching Mandersons. In all it is believed that more than half a dozen shots were fired before the robber ran in a stooping position into a railway cutting and escaped. He was at large until November 15 when he was arrested in Christchurch having been picked up in a hotel.

Brought to the Magistrate's Court on November 30 and sent for trial on December 3, Eggers was charged with murdering Coulthard on November 9, 1917, near Greymouth, and having at the same time and place attempted to murder Hall and James. He was also charged with stealing the money. Eggers was defended by W.J. Hunter and at the Supreme Court trial the Crown Prosecutor was S.G. Raymond, KC.

On the first day of the trial witnesses spoke of times and places they had seen Eggers and what he had told them about his business on the West Coast. His business ranged from selling milking machines to buying land.

Eggers was an American by birth and in later years stories circulated that he was an American gangster before he came to New Zealand. He wore bow ties, dressed nattily and mostly worked as a commercial traveller. At the time of the murder he lived in a boarding house at 286 Gloucester Street,

Christchurch, in a room with Mrs Elizabeth McMahon, a divorcee. They had been living together for four years and she sometimes referred to Eggers as her brother. That is probably why he sometimes was known as McMahon. In fact, he was charged under the names of McMahon and Eggers.

Mrs McMahon worked as a barmaid in the Empire Hotel, which was in High Street between Cashel and Hereford streets. According to the evidence of the licensee, Morgan O'Brien, that is where Eggers turned up on November 13. Eggers left a suitcase and a small hand satchel in the office, propped against the safe.

O'Brien said the suitcase was heavy. He told the court he found that out when he lifted it and wondered what was in it. Both the case and satchel had gone when he next went in the office after Eggers had left.

O'Brien believed Eggers to be Mrs McMahon's husband.

Two days later Eggers, back at the hotel, was seen by two detectives in the dining room with Mrs McMahon. On coming out of the hotel, they accosted him and said they were checking on people who had travelled over from the coast.

Eggers carried the hand satchel and two parcels as he walked to the police station between the two detectives. He earlier had asked if he could leave the satchel and parcels in the hotel but was refused.

At the station Eggers fumbled in the satchel and when asked what was in it he replied: "Oh, odds and ends." Sergeant Connelly looked to see what he was doing and saw the butt of a revolver. "You murderer. You've got a revolver. You're going to shoot us!" Connelly yelled. He grabbed the gun and the other detective snapped on handcuffs. The 32-calibre gun was fully loaded and there were eight other rounds in the bag.

Eggers had £91 15s 1d on him and the police found £3,533 5s 1d in a steel trunk in his room. There were 200 new £5 notes in two books and more money was found in other parts of the room.

Mr Hunter called no evidence on behalf of Eggers but said in his final address: "There was no-one who had come to court to say that Eggers was the man who had been seen shooting Coulthard. There has been no identification." But summing up, the judge said: "The jury has the right to assume that the man in whose possession the money was found was the man who had committed the crime." The jury duly followed that advice and, having retired at 6.37pm, returned at 8.50 to a crowded courtroom with a verdict of guilty.

Eggers was sentenced to hang and having nothing to say was taken away to Lyttelton Gaol. After he had left, the judge thanked the detectives and police for their handling of the case.

At the gaol Eggers was not lodged in the customary condemned cell but put under constant surveillance in the northern wing. He was not put in irons either, as was also customary. This was because he had "given his word that he would play the game."

The *Star* newspaper of March 5, 1918, in the course of a description of his hanging, said: "Although his outward conduct was exemplary he was what is regarded as a troublesome prisoner, owing to his evident determination to commit suicide." This belief was apparently based on a letter he tried to smuggle out to Mrs McMahon before his trial. In the letter he suggested she should obtain a small quantity of strychnine from his belongings in Christchurch. She should then smuggle it into the gaol sewn in the hem of some underclothes which were to be sent for his use.

Another letter he tried to smuggle out contained evidence of a confession. In it he said he did it to get money in order to give Mrs McMahon a good time. He also denied he did the shooting and added that another man did it for £500. In a long statement he wrote some time later he was to declare yet again that he had not done the shooting.

Eggers went off his food towards the end and never ate or slept well. The scaffold was erected in the old exercise yard of the solitary confinement cells and just before eight o'clock on March 5, 1918, several warders, the doctor, newspapermen, Senior Sergeant Jackson and a gaol visitor waited in this yard for the hanging procession.

First to appear in view were the sheriff, A.H. Holmes, the chaplain, the Rev. J.R. Hewland, the Anglican vicar of Lyttelton, the gaoler and then Eggers between two warders. Then came the hangman and two more warders with Mr Hawkins, inspector of gaols.

Eggers appeared calm and walked firmly. He had apparently declined breakfast. He was said to have been in tears a few minutes before the sheriff's party arrived at his cell. On the scaffold he asked for a drink of water which he was given and he said he wanted to make a statement. Earlier in the morning he said he intended saying nothing and the change caught the sheriff unprepared.

He spoke for several minutes but many of his words were lost to the newspaper reporters. He spoke without emotion and quite deliberately and said he wanted £500 given to Mrs McMahon. He wanted his statement of 85 sheets of foolscap paper, containing 37,000 words, to be published. He asked that his solicitor be given the statement and that it also be shown to Mrs McMahon. He thanked the gaoler and all the staff for their kindnesses. "I am sorry that I cannot say the same for the police," he added.

He said he did not get justice and added: "I stand here as a condemned man with two moments to live and I say I am not the man that did the shooting. Let it be the last words I speak. I never shot Coulthard."

They were not the last words for Eggers. But the sentence was inaudible though it is thought to have been a farewell. The hangman adjusted the white cap on Egger's head and face and in three seconds he was dead.

Top left: Frederick William Eggers who shot three men during the hold-up of a payroll car on the West Coast. He was later executed at Lyttelton Gaol.

Bottom left: John Coulthard, one of the two men who died during the hold-up by Eggers. He left the payroll car to move an obstacle in the road and Eggers shot him dead.

Top right: Crown Prosecutor S.G. Raymond K.C.

Arthur Howard who tried to cheat insurance companies by faking his death.

Reginald Matthews who was one of the few prisoners ever to escape from the gaol. He went over the wall and was away a year before returning to Christchurch. He was finally convicted of murder.

This five-inch-long pistol is purported to have belonged to a chief warder of the Lyttelton Gaol. A muzzle-loading weapon fired by a percussion cap, it is of a type popular for self-protection in the period 1840-1870. It was commonly known as a "turn-over" pistol, because the two barrels, one above the other, were turned by hand to allow the second shot to be fired. The pistol is now in the collection of R. Parker, of the Christchurch branch of the New Zealand Antique Arms Association.

CHAPTER TEN

Those Who Got Away

Few prisoners escaped from the confines of Lyttelton Gaol. It was the main prison for the South Island and, for a period, it housed the more desperate criminals from the North Island, too. The walls, two feet thick, were of great height and the interior of the gaol was designed to prevent "all physical possibility of escape." In addition, all warders were armed and men could be placed in irons and chains.

Nevertheless, quite a number of prisoners escaped from work gangs, including, of course, the incomparable James MacKenzie of MacKenzie Country fame. But many lesser fry tried to gain their freedom, too.

On June 30, 1863, the hard-labour gang was working in London Street with one of the two warders away when two Irishmen bolted up the hill. The remaining warder fired at them but they got away.

The luckless John Burnside was another who ran off. He died for his trouble when he was stabbed with a warder's bayonet.

Edmund Ellis was one of the few to get out of the goal. A report of the Magistrate's Court proceedings of March 20, 1863, records that the keeper of the gaol, Edward Seager, said he found the whitewash on the walls scraped as if they had been scaled. The chief warder, George Dale, said he unlocked the cell in B yard at 6.30am and Ellis was there. At name call a little less than an hour later he was missing. The police caught him at Akaroa a few days later.

Arthur Howard, found guilty of fraud in the famous "severed hand" insurance case of 1885 in Christchurch, spent more than two years in Lyttelton Gaol. He escaped once with the help of an accomplice. Howard got over a wall with a rope, changed into civilian clothes but was soon recaptured. The story of his audacious, although ill-conceived, fraud is told in *The Severed Hand*, which has recently been reprinted.

Another who escaped over the wall was Reginald Matthews. Short at 5ft 3in, muscular, with a scar on his lip and a thick broken nose, 26-year-old Matthews first came to the public's notice with his escape on September 12, 1919. He was serving a nine months' sentence for indecent exposure. He had been inside for three weeks.

He had always said he was not going to serve his sentence and in the afternoon he knotted blankets and scaled the wall.

One who saw him was Mrs Ivy Gray who lived on the hill rising above the prison. Mrs Gray is 80 and was born in Lyttelton in a house overlooking the gaol. As a young mother she was pushing her son in his pram on the first-storey verandah. She was singing to get him to sleep and as she paced up and down she looked down towards the gaol.

"I noticed something come over the wall of the gaol. I watched it and realised it was ripped up material tied together. I could only watch. A man came over the wall and dropped down on to the gaol steps." The steps ran between the south wall of the prison and the Lyttelton School. They are still there today.

"He ran up towards my house and up the road beside it. He saw me looking at him and he shook his fist threateningly. I gathered he didn't want me to tell the authorities," Mrs Gray said. "I was terrified. Terrified all night in fact. My husband was away at sea at the time."

Matthews was out and he eluded the law and signed on with the Union Steam Ship Company serving as bosun on the *Waipori*. Matthews is believed to have made a trip to America. He was usually employed as a seaman or labourer.

Almost a year after his escape Matthews was seen in the Domain Gardens in Christchurch. He was exposing himself as he did a year earlier in the same place in the park. Several gardeners gave chase but Matthews pulled out a pistol. He did not fire it but the sight of it was sufficient for the pursuers to pull up allowing him to escape.

He continued to make the headlines. On October 28, 1920, Clarence Wagstaff was preparing to go to bed in his Timaru home. As he did so he thought he saw a man lurking outside his sister's window. He called a friend and together they gave chase. They were closing on Matthews when he turned and fired three shots. The third hit Wagstaff and he died several hours later.

Matthews escaped again. He caught the express train to Christchurch next day and lived with a Sydenham family for several weeks.

The police had found a receipt bearing Matthews' name near Wagstaff's home and on November 1, 1920, they were involved in events, described by the *Star* of the day, as sensational.

The police traced Matthews to the Lyttelton ferry *Wahine*. He managed to get through a police cordon but a team of detectives rushed Matthews on the ship. He saw them coming and pulled out his pistol and "rushed along the deck leaping from one point to another with the ability of a monkey."

He reached the crowded wharf and was followed by a fusillade of revolver shots. He ran on but going round the end of a truck Matthews collided with the corner and slipped.

Police Constable Templeton and others fell on him. Templeton was shot in the leg and then Matthews' gun jammed. He was quickly overpowered and handcuffed. Ferry passengers had had their fun for the evening and carried on embarking.

At Matthews' Supreme Court trial on February 13, 1921, insanity was put forward as a defence. It was stated that a phase of his insanity was manifested at the time of his escape from Lyttelton Gaol in September 1919. He then regarded himself as a persecuted person.

However, the jury dismissed the insanity defence and found him guilty of Wagstaff's murder and he was sentenced to death. He was taken off to the new Paparua Prison and was examined there by two doctors who ruled that he was insane. He was reprieved and it was decided to send him to Mount Eden Gaol in Auckland.

Matthews was brought to Lyttelton to get the ferry to the North Island but there was a large crowd at the wharf waiting to see him. The prison warders feared a hostile demonstration and so Matthews was put in a cell at Lyttelton Gaol, now closed except for a few short-term prisoners. Urgent discussions were held and it was decided to lodge him in Seacliff Mental Hospital, near Dunedin, instead of taking him to Auckland.

In August 1921, Matthews broke out of his special cell in Seacliff. He tore up the floor and escaped in his singlet and underpants. He was caught two days later near Oamaru having tried to get aboard a ship.

In 1974, Matthews, then in his 80s, was still alive and well in Lake Alice Mental Hospital, near Marton.

Another who built up a reputation as an escaper was Jonathon Roberts. On April 24, 1888, he was gaoled for five years for horse stealing. He had previously been in the gaol for two years for forgery. He was sent to Timaru Gaol for the horse stealing offence but four days later he was at large. He was on the run for a month and was finally caught at Killinchy, near Leeston in Canterbury where he was working for a farmer at ten shillings a week. Roberts ran off when the police rode up but a few shots close to his head persuaded him to surrender.

For escaping he was given 12 months' hard labour on top of his five years and promptly placed in the high-security Lyttelton Gaol.

Roberts was in a group of 40 convicts working on Ripa Island on June 8, 1888. There were five armed

Buildings on Ripa Island which were built by convicts. Roberts was one to escape from the island while there with a work party.

warders and other sentries around the perimeter of the small island as the convicts worked on constructing the fortifications of Fort Jervois in case of a supposed Russian invasion. The gang was mustered into the mess shed for lunch at noon. The door was locked and a warder took guard at the door. An hour later the convicts were counted and Roberts was missing.

He had broken palings at the back of the temporary shed to get out. He slid down the walls of the fort, named after a Governor of New Zealand, and swam across the narrow channel between the island and the mainland. The distance was about 50 yards.

Roberts was never recaptured.

Police near Oamaru thought he was heading their way in July. Several constables tied a rope across a bridge about a foot above the ground. They crouched out of sight and waited when they heard someone coming.

A man came onto the bridge and crashed down over the rope. The police rushed forward and grabbed him but instead of Roberts they caught a drunk.

Another stir was seen on Ripa Island on the morning of January 26, 1889. Among a group of convicts breaking stones there that day were William Cody and John McMannus. Cody had returned to prison

only one day earlier having served previous sentences. McMannus, on the other hand, was due to be released the next day.

McMannus had been sentenced for vagrancy in Ashburton but was brought before the court on a lunacy charge. He was said to be peculiar in behaviour.

About five men were breaking stones with 14lb hammers when Cody and McMannus quarrelled about flying stone. Suddenly McMannus attacked Cody with his hammer smashing the left side of his skull.

McMannus was put in irons as Cody was put aboard the steam launch *John Anderson* which quickly left for Lyttelton. Cody was in a bad way and a contemporary report said his brain protruded. He died at 4.45pm. The launch went back for the other convicts and McMannus, now also handcuffed, came in with them and the group marched through a large crowd from the wharf the short distance to the gaol.

The next day, McMannus, his sentence expired, was released at 11am but he was arrested at the gate. He was taken to the Magistrate's Court in civilian clothes and charged with Cody's murder.

The following day a correspondent named Michael Hart, writing in the *Star*, questioned why lunatics should be given hammers and allowed to work with other prisoners. He called for closer supervision and ended: "Verily it is high time, our gaol regulations were overhauled."

McMannus stood trial in the Supreme Court on April 3, 1889, and after a retirement of only 12 minutes the jury found him not guilty on grounds of lunacy. So he was sent back to Lyttelton Gaol until the "pleasure of the Colonial Secretary was known."

There was more trouble with the Ripa Island convict-workers later that year. The column returned from the island after its day's work and marched in the gaol gates. It was the custom that, as soon as the inmates entered the walls, they unfastened their boots ready to be taken off before they entered the cells. The prisoners wore heavy boots with toe plates and large nails in the soles. As they unfastened their boots that day, Paddy Murphy, alias Paddy Shine, described as a low and cowardly type, kicked fellow prisoner Charles Fowler in the jaw, breaking it. The two had apparently argued earlier in the day.

Murphy's punishment is not recorded.

It is interesting to note that Fowler, a cook on Ripa Island, was suspected of assisting Roberts in his escape.

CHAPTER ELEVEN

The Famous and Infamous

Inside prison men live alongside men in close proximity. Prisoners and warders. Whatever reforms are made and have been made a prison, as we know it, will still be a prison — a place in which a person is kept in captivity. The relationship between prisoner and guard, therefore, has been, and will continue to be, one of strain and constant suspicion.

Even in 1974 a British prisoner wrote: "I've never met any kind of man who frightens me so much as a prison officer. I can't even begin to imagine how human beings can do to other human beings what they do, lock them up at certain times and unlock them at others, order them around all day, keep on counting them, and carry on all the time as though they were dealing with a lot of animals ... they're just totally impersonal and feelingless day after day and for years on end ... I can't understand how they stick their job."

Sixty years earlier a former Lyttelton chief gaoler Matthew Michael Cleary was moved to say: "In any government department regulations there is little to be found that would cause a diligent student of them to hold that a softness of heart can be displayed. Strict are all such regulations in their lettering and phrasing and in such a life as that of a prison gaoler a fulfilment to perfection of all the code of regulations requires the proverbial heart of stone.

"There are many cases of prisoners, good men who have erred in their walk of life and to whom the penalty of the law is terrible in its all-round effect. The misery of such men in their prison surroundings must make a great appeal to any official who thinks, and thinks humanely. And there are many such.

"To the poor devil of a transgressor a little act of kindness by the 'hard-hearted' gaol official would mean a priceless 'all' — a sunshaft of human fellowship. But there are the regulations and to the letter they must be obeyed, else the officer would not be doing his work conscientiously," Cleary said.

Cleary also said he would not enter the prison service if he had his life again. "Nothing in the world would induce me to go into the service again. Give me a position in the police force, 50 times before that of a prison service."

A 36-year-old prison officer said: "We don't get any respect or thanks for it from anyone."

A New Zealander, Basil Dowling, who was imprisoned for his pacifist views and is now a teacher in London, wrote this:

They're much alike, except for a different coat and
a different hat;
And they are some decent, kindly fellows enough
As they work and chat:
How can it be that men like this have been hanged
By men like that?

Another New Zealander gaoled for his pacifist views, the late Rev. Ormond Burton, wrote: "Prisoners and warders — we are all of one blood."

Lyttelton Gaol saw good and bad, in both ranks. Men who attracted headlines and hundreds who did not. Lyttelton even housed two men who were to become Cabinet Ministers. One man who constantly commanded much newspaper attention was Lionel Terry.

In September, 1905, an old Chinese man was murdered in Haining Street, Wellington. He did not know that the motive for his murder was the advertising of a book that the murderer had written. A letter was received by the Governor from a man saying he had committed the crime but before the letter was made public the writer walked into a police station, confessed and handed over a revolver.

The man was 31-year-old Edward Lionel Terry. His story was a strange one and the trial and the happenings after the trial must be unique.

Terry was born at Sandwich in England, one of 11 children. He was well educated and when he was 17 went to work in the office of the West Indian Gold Mining Company. But he soon tired of the indoor life and, without his father's knowledge, enlisted in the Army. His father bought him out after a few years. He then tried to settle him into his own office but Terry left for South Africa.

While he was there he took part in the Matabele War and afterwards returned to London and stayed there for a few years. He went next to Germany, Dominica, New York, Honolulu, and British Columbia. It was while there, his father said later, that Terry first publicly expressed his antagonism to the Chinese.

Terry wrote two books, the first *God is Gold* and *The Shadow*. It was to advertise *The Shadow* that Terry killed the Chinaman in Wellington.

The story of the crime was told to the Chief Justice, Sir Robert Stout, and a jury on November 21, 1905. Terry refused to have counsel to defend him. The first witness said he noticed a tall man, wearing a light overcoat, walk along the street and as he turned on his way he raised his arm, fired a shot, then calmly walked on and disappeared.

Opposite page: Sunnyside Hospital which could not hold murderer, Lionel Terry. A Lyttelton Gaol governor, Edward Seager, moved from the gaol to the asylum in 1864.

Top left: Lionel Terry, the self-confessed murderer of a Chinese, caused many problems for the gaol authorities. He is shown on a walking tour of the North Island in the early 1900s. He figured in continual controversy after his committal.

Top right: Sir Robert Stout was Chief Justice and conducted the Lionel Terry trial.

Joe Duck told how he was standing in the street and saw a tall man (Terry was 6ft 3in) suddenly shoot Joe Kum Young. Terry told the constable on duty in the watchhouse when he gave himself up: "I came to tell you I am the man who shot the Chinaman last night. I take an interest in alien immigration and I took this means of bringing it under notice."

Just before he was charged he handed over two books called *The Shadow* and said: "If you read these you will understand the position."

Terry did not go into the witness box but made a speech from the dock, reading most of it. He resented the suggestion that had been made by the coroner that he was insane.

"My action," Terry said, "was the result of careful deliberation and was impelled by merciful considerations for all concerned. In choosing as an example an old and crippled man, I realised that my purpose would be accomplished without the sacrifice of one whose existence was other than a painful burden. By thus quenching a flame which was already flickering towards extinction, I have not only conferred a merciful deliverance upon a world-weary man but have also benefited those amongst whom he was living, and the country in which he had come to live, by an act designed to arouse its people from a state of callous indifference."

The Chief Justice told the jury the only real question was whether Terry was sane, that is, whether when he killed Joe Kum Young, he knew the quality and nature of his act. He added that Terry himself said he did and there was no evidence to the contrary.

The jury's verdict read: "Guilty, with a strong recommendation to mercy, on the ground that the prisoner was not responsible for his action, as he was suffering from a craze caused by his intense hatred towards the mixing of British and alien races."

Terry showed no emotion but later the death sentence was commuted to life imprisonment and it was rumoured that he resented the commutation. From that time on, for many years, Terry was both trouble and an expense to the Government.

He was sent at first to gaol but he was such a nuisance that it was evident that he was insane. Indeed, he was declared to be so after an examination, and the authorities transferred him to Sunnyside Asylum. No doubt because he resented having been certified a lunatic he threatened to escape. The first escape took place from Sunnyside on September 29, 1906. He was recaptured the same day.

In December, 1906, part of the hospital wing in Lyttelton Gaol was set aside as a lunatic asylum for Terry. He went to Lyttelton but did not last long there. Obviously, a building for the detention of only sick men was unfit for such an eccentric and unmanageable man as Terry. The next reference to him was in the *Gazette* cancelling the hospital wing in the gaol as a lunatic asylum.

The next time Terry came before the notice of the public was at the time of his second escape. He had been transferred to Sunnyside again and in November, 1907, he eluded his attendants.

There was always a type of sympathy and even admiration for the man. Letters poured in to the newspapers calling Terry a patriot and a hero. But on that occasion the hero was caught after three weeks. He had been living in a hole in a cliff.

The publicity continued and reached such a peak that the Prime Minister made a statement. He firmly expressed the need for a strong asylum for criminal lunatics.

Terry escaped again from Sunnyside in January, 1908. He was recaptured, however, a few hours later. Again a *Gazette* notice notified that the hospital and surgery at Lyttelton Gaol was designated a lunatic asylum.

An editorial in the *New Zealand Times* of March 6, 1908, stated: "Lionel Terry is an expensive luxury. He is costing this country nearly as much as a Cabinet Minister. If Terry had been clapped into the prison gang and made to work — work hard — it would have improved him both mentally and physically. Employment is a grand palladium for distracted minds; but no, he is being made a hero, with sympathetic paragraphs about the state of his health and he is being pampered and cared for at the public expense."

Terry celebrated the first anniversary of his murder by setting fire to his quarters at Lyttelton Gaol. It was part of a scheme to escape again. The inadequacy of the hospital quarters to hold him was again obvious and separate cells on the north side of the gaol were made into a lunatic asylum.

He soon let everyone know he disapproved of the quarters. He kept quiet all day and about midnight he yelled, "Murder!" and "Help!." Residents could not sleep, nor, of course, could prisoners in the gaol. Punishment for such a man was difficult and again, at their wits' end, the authorities sent Terry back to Sunnyside.

He was closely guarded but soon found ways and means of letting the public know how he resented his life. He did this by letters to newspapers and in 1910 Terry said he was sane and wanted to go to gaol. He became a constant worry to the mental hospital doctors with his abuse and disobedience.

Many of the public thought him sane and a petition was circulated asking for his release but the Chinese community started a counter-petition. Terry was to spend the rest of his life in mental hospitals and died in Seacliff Hospital in 1952.

Thomas Hall, the Timaru poisoner who, in the 1880s, killed his father-in-law and attempted to kill his wife, was another to spend a period in the gaol.

Another notorious criminal to "do time" in Lyttelton Gaol was Henry Beresford Garrett, a bushranger best known for the Maungatua highway robberies where he and his gang preyed on travellers. He often attacked near the top of Mount Maungatua (3,000ft) on the road from the gold area of Gabriel's Gully to Dunedin. On a good day (for Garrett) the gang had as many as 15 victims bound to trees in a gully.

He roamed the rough country waiting mostly on unsuspecting gold diggers and his robberies got so numerous in the 1860s that 110 men of the 70th Regiment in Auckland were brought to Otago to apprehend him.

Thomas Hall was sentenced twice to life imprisonment and spent some time in Lyttelton Gaol. He was later assisted to leave the country.

But at times he showed a kinder streak. When in the mood, Garrett wrote poetry — much of it while in prison. It was also reported that sometimes he would go around his bound victims putting lighted pipes in their mouths.

Garrett was one of the imported criminals which Seager no doubt had in his mind when he wrote his letter in 1863. He started his criminal ways in the slums of London and, as a youth in the Army, stabbed an officer in a fit of anger. He was transported to Norfolk Island and there was flogged, half starved and received plenty of hard labour.

When the Norfolk Island convict settlement was closed down he was released in Tasmania. But he was soon pursuing his criminal activities and robbed a Ballarat bank in full daylight of £14,300 in notes and 300 oz of gold. Garrett was found living in luxury in London and shipped back to Melbourne to be sentenced to ten years' penal servitude. While in gaol it is thought he took part in the fatal stoning and beating of a gaol inspector he and other criminals had known on Norfolk Island.

Garrett was involved in another robbery before he arrived in New Zealand in October, 1861. He was attracted by the gold finds in Otago and soon had seven accomplices. They plundered until January 1862 when a gang member was recognised in a bar near Dunedin. He was arrested and sent to the gaol for three years while Garrett fled to Sydney.

His freedom was short-lived and he was arrested and brought back to Dunedin where he defended himself at his trial in May, 1862. But Garrett was gaoled for eight years by Mr Justice Gresson. It was not long after his release that he was in trouble again. This time he was found with poisons and other chemicals.

Various theories were put forward for Garrett's collection including one which suggested he intended to poison the whole of Dunedin's population. He went back to Dunedin Gaol but was later housed in Lyttelton Gaol because of failing health. Soon after his release from Lyttelton he was knocked down by a horse and cart and died in a Dunedin street.

Two other colourful men who were inmates in Lyttelton Gaol were P.C. (Paddy) Webb and Robert Semple, both members of the first Labour Cabinet of 1935.

They were members of a group known as the Red Feds and in the First World War wanted the repeal of military conscription. The group members were vociferous and on December 3, 1916, Semple, then a miner's agent and inspector, said in Auckland: "I know that everyone talking about this infamous law is knocking at the gaol door, but we have to take risks. I refuse to have my tongue bound in my cheek." The next Sunday, in Christchurch, Semple was arrested and bail was refused.

He faced three charges of sedition in the Magistrate's Court. He conducted his own defence and said conscription was an insult to the hundreds of thousands who had gone to the front as volunteers. It was also directly opposed to unionism.

Semple was sentenced to three years' imprisonment but served a year in Lyttelton Gaol. His political colleagues were also going to prison for similar speeches around the country.

Little is known of Semple's time in Lyttelton but Mr Hilario Banfield, who started work as a journalist in the port in 1918, said a Mayor of Lyttelton, Mr W.T. Lester, told him that Semple was among prisoners who painted his house. Mr Banfield said one warder was fond of Semple and brought in books for his studies.

Paddy Webb, a Member of Parliament for Grey, was arrested at Wellington on May 1, 1917, and brought to Christchurch by ferry. Webb was represented in the Magistrate's Court and because he was an MP his case attracted considerable attention. He was given three months' imprisonment for sedition at Greymouth during a strike of miners against conscription.

The *Weekly Press* of August 8, 1917, reported the release of Webb. He was met by E.J. Howard, president of the United Federation of Labour and the father of Mabel Howard, who was to become New Zealand's first woman Cabinet Minister. Webb shook hands with the gaoler and chief warder and called greetings to two colleagues, also convicted of seditious utterances, who were repairing a warder's cottage opposite the gaol.

Webb and Howard took the train to Christchurch and then the two went to the overflowing social hall in Trades Hall. Many people were turned away. Howard introduced Webb as: "Paddy Webb, the late

Right: Patrick Charles (Paddy) Webb was gaoled for sedition. On his release he was highly critical of conditions in the gaol.

Below: Still a part of the scene in Lyttelton is this house at the corner of Winchester and Oxford Streets that was once the residence of head warders at the gaol. When Labour Cabinet Minister Paddy Webb was freed from his sojourn in the prison he waved to fellow prisoners who were working on this house.

member of Lyttelton Gaol". All Webb's political colleagues were present and were referred to by a speaker as "Semple and Co."

Webb then criticised prison conditions as antiquated and barbarous. "As soon as men entered there was not one ray of hope for his reform. Some of the prisoners are weak, mentally and physically and morally, but even if they were the worse possible men that was surely no reason why they should be treated as brutes. They ought not to be dragged lower and lower," Webb said.

Prisoners got up early and received a bowl of porridge. "A white spot on top of the porridge was supposed to be sugar; I failed to discover the taste of sugar," he said. A mug of black tea, made about half an hour before, was more like stew. He was told there was sugar in it "but it took a lot of finding."

Webb joked about how it would be a lucky girl who got him for he had learnt how to darn socks and the married prisoners had learnt how to spring clean.

There was stew, sometimes cold, for dinner and sometimes there was meat which was so tough it could not be eaten. Tea was at 4pm or 4.30pm and afterwards the men were locked up.

Webb also spoke of punishment in solitary confinement. This was called "dummy" by the men and those undergoing it were put on half rations. "I have seen men go into dummy in fairly good health and come out physical wrecks," he said. In dummy they got three small blankets and slept on the floor. For sick prisoners this had been almost unbearable.

Webb was critical of rations being the same for all, whatever their crimes. But he said remand prisoners received fewer rations than convicted men and they seemed to spend more time in the cells.

Webb was also appalled at the non-segregation of prisoners. He pointed out that a colleague in gaol for sedition was working with a convicted murderer.

The huge crowd cheered loudly at Webb's revelations and later his criticisms were answered by William Reece, a member of the Prisons Board, who said it was recognised that Lyttelton Gaol should have been abolished years ago. A few months later in November, 1917, the Minister of Justice (Mr J.A. Hanan), an uncle of the other reforming Minister of Justice (Mr J. Ralph Hanan), announced reforms in prisons. He brought in legislation that short-term prisoners were to be kept in police lockups where possible.

Generally, the harshness for hard-labour prisoners was also eased.

When Webb left prison he had friends there waiting for him. Many other prisoners who left the gaol gates had a member of the Prison Gate Mission there to help them.

Early in the 1880s the Prison Gate Mission Home was set up by a body of temperance workers known as the Excelsior Blue Ribbon Gospel Army. But after a few months, said the *Lyttelton Times* of January 12, 1886, the mission home was being run by a sub-committee of the Women's Temperance Union. The home was in a nine-room two-storey house on the corner of Cambridge Terrace and Colombo Street, in Christchurch. Earlier it was in Tuam Street.

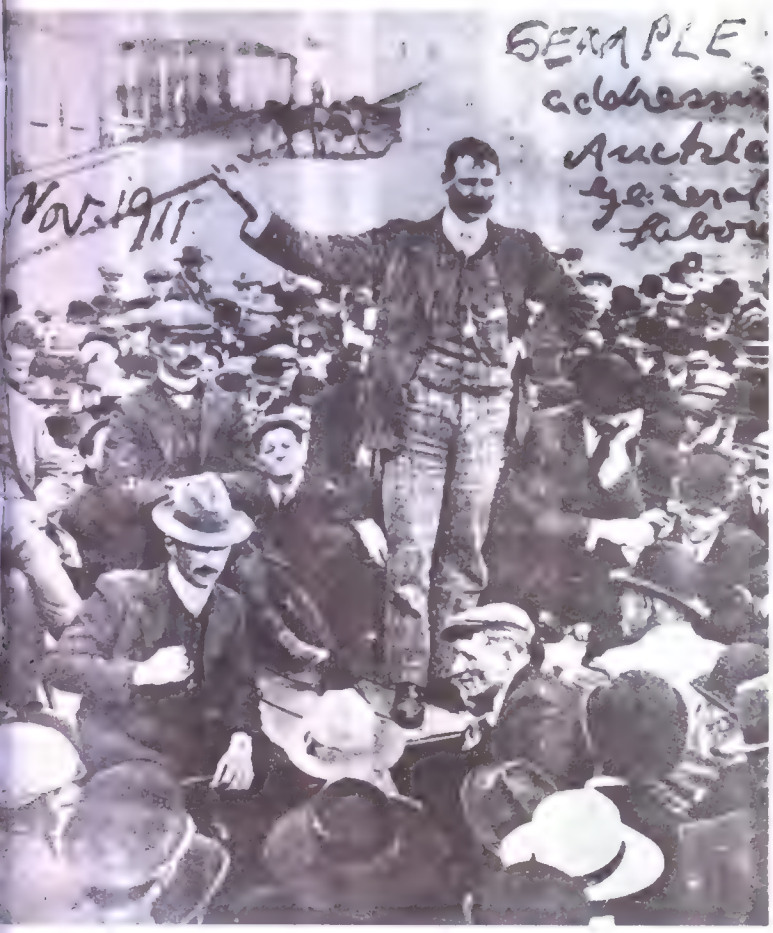
The committee running the home contributed £1 a week towards expenses and judging by the £1,200 mortgage on the property at a yearly payment of £70 finances must have been a major bugbear.

Residents ran at an average of five a month but when the *Lyttelton Times* reporter called there were two former prisoners in residence. The home was run by a Mr and Mrs Reffle. Mr Reffle worked at the Addington Railway Workshops so most of the work fell to his wife.

She was one who met the prisoners at the gates when they were discharged and invited them to go into the home. Mrs Reffle said many came and were kept free of charge until they found work. She said some former residents of the home sent her letters saying how they were faring and expressing their gratitude.

"The poor creatures, if not utterly hardened in wrong-doing, feel crushed beneath the burden of disgrace and the idea of anyone knowing them to be what they are and yet manifesting a kindly interest in them, has, perhaps, never crossed their minds," Mrs Reffle said.

More men than women went there she said, but it seemed the women might have been the more religious. For in the same interview in 1886, she said: "We don't try to force religion down their throats and they are all willing to attend. Sometimes when we have been tired with hard work all day and they thought I might go to bed without the prayers some of the women would bring me the Book as if to remind me of the prayers."



Left: Robert Semple, as a "Red Fed", made many speeches up and down the country against conscription before being sent to Lyttelton Gaol. *Right:* Semple later became a respected Cabinet minister.

As well as being short of money, the home also wanted bedding and clothing. Mrs Reffle said each discharged prisoner was given a change of clothing. She also tried to keep them off the streets at night to prevent them being tempted back to their evil ways.

In 1888, Captain Hume tried to get authority to pay to an official of the Prison Gate Mission all the earnings of women released from Addington Gaol. There was a hotel close to the gaol and released prisoners rarely carried their earnings past it.

Whatever struggles the mission had the 36th annual meeting in 1917 and was told that the credit balance was £30 1s 7d, so things must have picked up.

Prisoners did not leave gaol penniless. The short sentence men received a few shillings and the long sentence men a few pounds.

Lyttelton Gaol was now being scaled down as Addington Prison was enlarged and Paparua grew. These are scenes inside Addington Prison. Addington is now used as a remand prison for "medium security" prisoners. Much of the prison, now over one hundred years old, is still in its original state.

All that remain of the gaol cells. The cells were boarded up for years following demolition of the gaol and in later years the Lyttelton Borough Council turned the cells into toilets and storerooms and tried to hide their ugliness with vegetation.

CHAPTER TWELVE

Walls Came Tumbling Down

"We just accepted the gaol as part of the town and our lives." This was said by Mr Claude Fletcher of Cressy Terrace, Lyttelton. Born and bred in the town, he is a retired shipping office manager and a member of the town's museum board. "We never thought about the gaol. We just knew it was there and that was it. But many people couldn't have been pleased about it because there are few photographs of it and no paintings as far as I have found."

The days of the Lyttelton Gaol were numbered from the turn of the century. In 1913 Lyttelton had accommodation for 192 and received 572 prisoners in that year with 123 coming in December. In the next year Addington Prison, opened in the 1870s, stepped up accommodation facilities to 45 (ten more places than in the previous year) while Lyttelton dropped by more than ten.

Then, in 1915, Paparua Prison took its first prisoners. It had accommodation for 24 and took 49 prisoners in the year. Lyttelton took 595 in 1915, but by 1920 Paparua had accommodation for 136 and took 335 prisoners. Lyttelton was now in decline and had accommodation for only 32 and handled 154 prisoners. Then, in the prisons returns of 1921, Paparua provided room for 170 men and saw 420 prisoners in that year. In 1921 Lyttelton had no inmates.

In his report to Parliament for 1919-20, the Controller-General of Prisons, Mr C.E. Matthews, said the remaining prisoners from Lyttelton went to Paparua Prison during 1920. From then on Lyttelton Gaol, after about 60 years in use, was reduced to the status of a police gaol with a single officer in charge of a small section of buildings still used for the detention of short-sentence local prisoners. The north and south wings of the gaol had been closed from December 31, 1919. Only the east wing remained open.

The Inspector of Prisoners, Mr M. Hawkins, said in his annual report of 1922 that demolition of Lyttelton Gaol was in hand by the Prison Department itself. The gaol buildings were put up for auction but they failed to find a buyer. Mr Hawkins said it was considered that no-one wanted the job of moving 6,000 to 7,000 yards of solid concrete. The walls, of course, were up to 2ft thick. Demolition experts obviously thought the costs of getting rid of the gaol would be prohibitive.

Finally, the Prisons Department came to an agreement with the Lyttelton Harbour Board whereby the whole concrete content, when reduced to blocks suitable for harbour protective works or crushed into metal, would be taken by the board at sale rates.

Not only did the Prison Department demolish the old gaol but delivered the rubble to the harbour board as well. Hard-labour men were brought from Paparua Prison to help with the work. So in November, 1922, the gaol was coming down.

A writer in the *Star* of June, 1923, stated: "But until the older prisons have been demolished to make way for institutions more suited to the present day conception of crime healing, there will not be lacking reminders of the old faith in iron bars and masonry.

"It will not be long ere school children are playing on the site of the old Lyttelton Gaol. Since 1851 that grim monument has stood as one of the principal landmarks in Lyttelton but today it has nearly all disappeared under the hammers of the demolition workers.

"The Lyttelton Gaol wasn't built with any idea that it should be pulled down; it was obviously meant to last. Walls quite two feet thick, solid blocks of masonry testify how well they builded in the old days. The demolition of a building so constructed presents no light task. The strength of some of the walls and partitions seems almost grotesque, and their removal has called for the frequent use of explosives.

"Only the southern wall is now intact and from it rows of cells look out, skeleton-like and forbidding. To the western end is one cell that claims a distinction from its fellows, not by reason of any variation of shape or generous addition of size, but because it is the sepulchre in which men have spent their last few hours on earth.

"It is the cell in which condemned prisoners were kept pending their execution. From it to the gallows was but a few paces. The grim old building seemed to have the one charity of not causing a man to walk far to his doom. Nearly all the other walls have gone, letting the sunlight into places where it has long been a stranger. Some of the solitary cells — dark, melancholy places — are still intact, but all around them the masonry has been broken away and their turn will come very soon."

Soon the cells ("like little tombs") were exposed and residents also saw scriptures in gold lettering adorning the walls in the old chapel. There were also the three circles, in coloured brickwork, in the exercise yard around which the classes of prisoners used to trudge.

"Around these little circles they tramped for an hour or more. Hopeless hundreds have tramped monotonously around and around for the gun of the warder present to remind them that they must not break rank," the *Star* reported. Some verses printed at that time sum up the inmates' point of view. They went:

I know not whether laws be right
Or whether laws be wrong
All that we know who lie in gaol
Is that the wall is strong.

The vilest deeds like poison weeds,
Bloom well in prison-air;
It is only what is good for man
That wastes and withers there.

With slouch and swing around the ring,
We trod the Fools' parade!
We did not care; We know we were
The Devil's Own Brigade.

Explosives were, in fact, used to break up much of the gaol and, in an unsigned letter dated December 6, 1924, a town resident observed: "The gaol is now demolished and only remains to be carted away. The working party has averaged eight men, including drivers. Not more than four men have been employed in blasting operations and none of them with any previous experience.

"Approximately 8,000 tons of concrete has been removed, or will be, when it has all been carted away. No-one has met with any accident nor has any damage been done to the closely-situated houses or the school, except on one occasion when a stone flew through the classroom facing the boundary wall. It gave the genial headmaster a shock for a minute or two.

"The estimate was two years in which to finish the work (that is not including the demolition of the female wing) so the work was finished many months ahead of the estimated time and instead of showing a debit it is the other way about.

"About 2,000 shots were fired in bringing down the walls and breaking up the large masses of

concrete. It has been interesting work for those employed on it. Most of those who were unfortunate enough to put in a term in places of these sorts are engaged in building them and not pulling them down.

"What the general public thought when the outer walls were blown down and a glimpse of the grim old place can best be imagined. But most of those who came to look at the ruins seemed very disappointed in not finding the gallows in full working order and cell walls covered with the comments of those who from time to time were forced to sojourn within the walls, not knowing that the whitewash brush is always busy in prison."

The *Star* editorial of June 12, 1923, was quite lyrical. "The air of Lyttelton will seem purer without the old gaol casting its shadows over the port. The gaol raised its sheer wall, with spiked and broken-bottled top, right from the playground of the adjoining public school. The tolling of the chapel bell during executions brought to the minds of the awakening community a picture of the grim procession within the walls.

"Every escape from the gaol meant a hue and cry through gardens of private houses and sometimes through the houses themselves,

"From every point of view the presence of the gaol in the town was objectionable and its removal is welcome. Other cities, however, are still in the unfortunate position of having gaols right in the centres of population and, like Lyttelton, close to schools. So many dreadful memories must be associated with any old-time gaol that it is refreshing to turn to the modern conception of reformative treatment, and contemplate the more open-air life at Paparua Prison, ten miles from Christchurch, where a prison farm gives the individual an opportunity to expand under the influence of healthy outdoor work and the view of the hills and the ranges must give a certain mental uplift.

"The gaol discipline, however, is hard and necessarily so, for the class of criminals who find their way to Paparua, since the so-called 'reformative detention' is served in the new Borstal institution under a less rigid regime and without contact with hardened criminals.

"Prison reform is a favourite hobby with many persons and great advances have been made since the barbarous days of solitary confinement and the treadmill but it is still necessary in the interests of the community, particularly in offences against the person, to put the offenders away for long terms. There is ample evidence, however, that the Prisons Board is doing a poor service to New Zealand by liberating, after ridiculously short terms, prisoners who have been sentenced to long terms of imprisonment for grave offences.

"In this way the work of the police and of the courts has been nullified and time after time men who have had long sentences remitted by the Prisons Board have been re-arrested for similar crimes committed soon after their release. Therefore, in considering prison reform, it is necessary to give due weight to the protection of the public and in this respect more value should be attached to the views of the judges who impose the sentences," the *Star* stated.

Where the prison's exercise rings used to be there is now children's play equipment. Where a three-storey block of cells once stood there is now a memorial clock tower.

Today the Upham Memorial Garden stands on the site where cells once housed desperate men. The wall on the left is the original outer wall in St David's Street of the old Lyttelton Gaol.

CHAPTER THIRTEEN

The Gaol No More

Some writers have said that children in the Lyttelton Borough School, only yards from the gaol, would cringe under their desks in fright when the bell tolled announcing a hanging. But hangings were carried out at 8am when children were not at school and, in fact, the bell was not rung at Eggers' execution. At any rate, there is no denying that formal education in Canterbury started only yards from the site which was used for the gaol and even today Lyttelton Borough School is situated about six feet away from the remaining walls of the old gaol. Separating the two are the "gaol steps" which rise between Oxford Street (along the front of the gaol) and St David's Street (along the rear wall).

The Rev. (later Dean) Henry Jacobs was appointed the first schoolmaster of the Canterbury province in England and then he sailed in the *Sir George Seymour*. Immediately on arrival he set up his College and Grammar School in two rooms in the Immigration Barracks, close to the gaol site. He taught, according to his advertisement, "Greek and Latin classic, ancient and modern history, ecclesiastical history, arithmetic, algebra and Euclid, vocal music, drawing and French" and more. Fees were £2 2s a quarter and paid in advance.

Other educational organisations quickly set up in the new province. By March, 1851, a school called the Lyttelton Church Commercial School and Evening Classes was in operation under Edward Toomath, superintendent. He catered for boys and girls between six years and 14. The first and second classes cost 6d a week — paid on Monday in advance. Most schools were connected with churches and in 1863 there were 57 schools of various types in Canterbury.

The school next to the gaol was opened in 1875. Prison labour was used to level the site the previous year and, according to Mr Baden N. Norris, there was a request by the school committee, about a year after the school opened, for prisoners to re-lay the grounds. Mr Norris, who compiled the school's history, said there did not appear to have been any objections about the placing of the school so close to the gaol. In fact, the school was rebuilt on the same site from 1940.

It was logical, therefore, that when the time came to demolish the gaol the Canterbury Education Board agreed that the prison site would make a good extension to the school grounds but it was pointed out that it could not afford to remove the walls and floors of the gaol. In 1923, with some buildings still to be broken up, the board asked that some spoil be left for a playground on the site. The board, too, wanted a swimming pool on one portion of the site "as the present water tanks could be used." That pool was finally built on the gaol site 51 years later in 1974!

The gaoler's house became the school caretaker's house and by 1924 it was agreed that the site would be used for tennis courts and a playground. A grant of £1,500 was given by the Government to the Canterbury Education Board for the work and £1,000 was raised locally.

In a 1926 report on work on the gaol site the Lyttelton Borough Council engineer, Mr H.H. Barnard, wrote that the demolition was not carried out with a playground in mind.

Left: Mr E. Toomath, one of the first school teachers in Canterbury.

Right: Dean Jacobs started education in Canterbury — close to the prison wall. He conducted the first church service in Lyttelton in a warehouse.

Paparua Prison took over from Lyttelton. But even that prison had its problems with overcrowding, escapes and even a riot. History always repeats itself.

"From a Lyttelton citizen's point of view it is imperative that something must be done to obliterate what must be admitted is a distinct blot on the town ... It will provide the children and citizens of Lyttelton with a first-class playground and transform the present unsightly wreck into what will eventually be a beauty spot."

Mr Barnard said the first thing to be considered was the effacing of all traces of the various cells and floor partitions, also various recesses in walls would have to be filled and plastered.

Later, the Lyttelton Borough Council agreed to lease the playground to the school for one shilling a year. The school committee used to keep it clear and tidy and received a grant of £25 irregularly for the work. Eventually, in September, 1928, the playground was officially opened by the Mayor, Mr F. Sutton. Years later, a rose garden, called Upham Gardens, in memory of a local doctor, was added.

The Lyttelton Gaol had virtually gone and criminals, long part of the port's everyday life, had moved into the country outside the city of Christchurch. It was in 1917 that Mr Reece, a member of the Prisons Board, answered Paddy Webb's criticism of conditions, adding that the gaol should have been abolished years before, and in fact it was in 1914 that the Government bought 800 acres at Templeton, ten miles from Christchurch, for its new prison. A few farms nearby were added and some leasehold land of little value also. Much of the site was an ancient river bed.

The first buildings were erected in 1914 and on January 5, 1915, Templeton Prison was gazetted as a prison — the day the first inmates went in from Lyttelton Gaol. In March the same year the prison changed its name to Paparua Prison. As Paparua grew into the general prison for the South Island, prison labour developed the prison farm.

Those original buildings at Paparua are still standing and are now used as storerooms. Paparua, too, has gone through its growing pains — overcrowding, lack of facilities, escapes and a riot. For a prison is a prison, is a prison. Paparua has been incarcerating men almost as long as Lyttelton Gaol did the job for Canterbury and the South Island.

All gaols throw up their anonymous poets. One of Paparua's wrote this:

On the road to Paparua
There are cobblestones galore,
Quarried out by weary prisoners
Doing month or even more.
And that pathway it will lead you
To a wing both left and right
Where they give you stew for dinner
And Bergue* for tea at night.

Then they lock you in your peter
And in there you must stay
Till you hear the "screws" returning
Sometime after break of day.
Once again your peter's opened
And with your pot you make a splash
Then you put your hand out quicker
For your Bergue and your hash.

Then in peace you eat your breakfast
While you hum a merry song,
Then you pack your blankets tidy
Waiting for the final gong.
This time you're at attention
And some may think it rather hard
When they hear a wild "screw" yelling
Lace your shoes up in the yard.

Some march off into the garden
With their hoe and little rake,
While others in the yard with shovels
Load the lorries up for Blake*.
The skilled men work the crusher
Where the rocks are extra big
Where the dust is always flying
Those chaps get an extra fig.

Soon the week's toil is over
From the yard and down the pit
And in the peter Friday evening
We find our fig and nice clean kit.
For a shower on Saturday morning
Each man starts off quite brave
For he lives to have his shower
Then his haircut and his shave.

Then he's looking for his cobber
But that man he cannot find
In the wing he's writing letters
To the girl he left behind.
Then the Board sits every quarter
Say will wonders never cease
Hoping for a due remission
Or better that word release.

Then at last they open up the gateway
Which has been our long desire
This time boy you're in a taxi
Not the dreary "Black Maria".
Once again you're free and easy
This time boy you're a goer
Travelling every road in Christchurch
Bar that one to Paparua.

** Bergue was porridge and Blake was in charge of the prison quarry.*

Lyttelton Gaol was knocked down 50 years ago and, as if to mark the occasion, a new women's prison was opened at Paparua. There will always be prisons as long as men offend against the laws of our society. Lyttelton's was one of New Zealand's first.

CHAPTER FOURTEEN

The Finale

A history like this, however brief, cannot be written without the help of many people. They should all be thanked and I do so but special mention must be made to some.

The *Christchurch Star* newspaper gave me time and opportunity for research and allowed the use of its photographs; Mr William A. Gamble, Mr M. Wederell and Mr Bob Cotton gave assistance; Mr R.C. Lamb of the Canterbury Public Library provided invaluable guidance, help and advice; the Rev. L.F. Allison of St Andrews Anglican Church, Tinwald, near Ashburton, was very helpful with his researches regarding Ripa Island; great help also came from Lyttelton residents, especially Mrs Ivy Gray, Mr H.G. Banfield and Mr Claude Fletcher; the Canterbury Museum; the Canterbury University library staff and the Alexander Turnbull Library and the Hocken Library; the Police and Justice Departments, especially Mr D.F. MacKenzie, research officer of the Justice Department; Mr Baden Norris of Sumner; the Superintendent of Paparua Prison, Mr H. Stroud and his staff; and Mr J. Verdon of Christchurch. I would also like to acknowledge permission to reprint excerpts from *The Man Inside*, an anthology of writing and conversational comment by men in prison, edited by Tony Parker and published by Michael Joseph Ltd. Acknowledgement is also made for photographs supplied by the Canterbury Museum and Alexander Turnbull Library.

Most of the records of Lyttelton Gaol seem to be lost. Some might still be in existence, perhaps hidden somewhere in one of those dusty pigeon holes which tend to grow over the years, but for the present they are unattainable.

Even the Public Relations Office of the Police Headquarters in Wellington had to admit: "Police administration records, particularly those from the 19th century, are sadly lacking, having been methodically disposed of throughout the years. It is only in recent times, with the growing awareness and interest in history, that the lack is being noticed and felt."

In spite of such drawbacks many people gave freely of their time. And I thank them.

There are still remains of the gaol in the Port of Lyttelton. Parts of the grim walls still stand, and nestling in part of the playground are several of the old cells. They are converted into toilets and storerooms for the Lyttelton Borough Council.

There is no plaque on them or on any part of the walls to remind the coming generations of this segment of New Zealand's past. Even today — 50 years since the gaol was demolished — few can remember that grim fortress of man's punishment to his fellow man for his crimes to society. Does it deserve just a small plaque?

Christchurch, 1975.

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RULES AND REGULATIONS

FOR THE

LYTTELTON GAOL

GENERAL RULES respecting the PRISONERS

1 Prisoners to whom the following Regulations apply include four classes, viz:

1 Prisoners awaiting trial or commitment by the Magistrate's Court.

2 Prisoners commmited for trial in the Supreme Court.

3 Prisoners under sentence of the Magistrate's Courts.

4 Prisoners under sentence of the Supreme Court.

2 Every prisoner on first entering the Gaol, and before being locked up, is to be searched in the presence of the Gaoler or Warder; his name, age, country, religion, height and general description are to be entered in the Register kept for that purpose.

3 All money, property, instruments, etc. are to be taken from prisoners entering the Gaol; a minute, specifying particulars and signed by the Gaoler, is to be entered in the Register. Such money, property, etc. shall remain in the charge of the Gaoler, unless otherwise directed, until such time as the prisoner shall be discharged or otherwise entitled to a return of his property, or untill other disposition thereof shall be ordered by competent authority.

4 All prisoners of class 4, and prisoners of class 3, under sentence for longer than one week, will have their hair cut close on entering the Gaol.

5 Every cell is to be opened at 6 a. m., between the 1st. September and the 10th. April, and at daylight during the remainder of the year.

6 Fifteen minutes is to be allowed for dressing; the bedding, weather permitting, to be neatly folded and placed on the bed-rack in the airing-yard.

7 The prisoners are then to wash themselves thoroughly, and make themselves as clean as possible.

8 The prisoners are then to be assembled, and their names called over, after which prayers will be read by the Gaoler or such other person as he may appoint. Disorderly conduct during prayers will be punished under clause 42 of these Regulations.

9 After prayers the prisoners will take their breakfast.

10 At 10 minutes before 8 o'clock the hard-labor men are to muster, and their names to be called over by the Chief-Warder.

11 The hard-labor men are then to proceed to their work in couples in an orderly manner, and guarded by the Warders. Each man will be set to his task by the Overseer. The prisoners will return from their work in like manner.

12 The cells, dormitories and all other portions of the Gaol are to be thoroughly cleaned and put in good order under the superintendence of the respective Warders.

13 During work the Warder on guard and Overseer are to prevent all idling and talking, and on no account to allow speaking to passers by.

14 No prisoner is to go to the rear unless the Warder in charge is satisfied that it is necessary, nor on any pretence is he to leave the Warder's sight.

15 At 12 o'clock the prisoners are to dine, at which time the hard-labor men are to be brought in, if at labor at a reasonable distance from the Gaol; they will resume their work at 1 p. m., and continue at work, except as hereafter specified, until 5 p. m.

16 At dinner in the Gaol each prisoner will appear with clean hands and face.

17 On their return from work the hard-labor men will be assembled and the names of all the prisoners will be called over, during which they will be searched by the Warders on duty.

18 The prisoners will then wash and clean themselves. When supper will be served.

19 At 6 p. m., the prisoners will be locked up in their appointed cells.

20 During weather too wet, to admit of out-door work, the prisoners will be employed in the performance of such work as shall be provided by the Gaoler.

21 Prisoners of classes 1 and 2 are not compelled to labor but they may volunteer to work with the hard-labor men by permission of the Gaoler.

22 Prisoners not sentenced to hard labor may be put to work, not severe.

23 The above regulations respecting hard-labor men apply to all prisoners working in the gang either under sentence or voluntarily.

24 On one day of the week, to be appointed by the Gaoler, the prisoners are to attend Divine Service.

25 Each prisoner (unless specially excused) is to attend Divine Service and prayers at the appointed times, and to behave himself with the greatest propriety.

26 Each prisoner on application to the Gaoler will be provided with a Prayer-book and Bible, which he is hereby prohibited from in any way injuring or defacing.

27 Unless otherwise ordered on Saturdays, out-door work is to cease at [illegible]. From 4 to 5 o'clock each prisoner is [illegible] employed in [illegible], washing and cleaning [illegible] for Sunday. A prisoner is to have [illegible] once a week, and a clean pair of [illegible] a month.

28 Prisoners of class [illegible] and prisoners of class [illegible] under sentence for longer than one week, [illegible] have their hair cut [illegible] a month and to be close-shaved once a week.

29 No prisoner, on any [illegible] is to be allowed to converse with any [illegible] officers of the Gaol.

30 Prisoners in health [illegible] on account to be allowed to lie in bed during the day.

31 Singing, conversation and angry expressions are strictly prohibited.

32 Games and amusements of any kind are strictly prohibited.

33 Tobacco, unless by especial permission, is strictly prohibited.

34 Any prisoner desirous of making any application or complaint to the Visiting Justices will be allowed to do so at their visit to the Gaol.

35 Every prisoner is to receive notice from the Gaoler the evening before his discharge, and upon leaving the Prison is to be strictly searched.

36 Whatever articles he was d[illegible] the Gaol are, unless forfei[illegible] thority, to be returned to h[illegible]

37 The provisions of these reg[illegible] plied to female prisoners a[illegible] will admit. Females sentenc[illegible] will be kept to suitable h[illegible] precincts of the Gaol.

38 The provisions of these r[illegible] those having especial refe[illegible] men, are applicable to pris[illegible]

39 Every prisoner awaiting tri[illegible] hours exercise in the airing[illegible] the morning, and two hou[illegible] every day; when there ar[illegible] prisoners they will exerc[illegible] Gaoler shall see fit.

40 At the hour of exercise e[illegible] watched by the Warders [illegible] no pretence leave their sig[illegible] to an attempt to escape fro[illegible] will apply to an attempt t[illegible] ther circumstances.

PUNISHMENT RE[illegible]

41 Every prisoner who shall [illegible] the offences next and h[illegible] that is to say, —

1 Refusing or neglecting to o[illegible] of any of the officers of the

2 Holding or attempting to h[illegible] others than officers of the

3 Assaulting a prisoner.

4 Insolence or threatening v[illegible] or officers of the Gaol

5 Injuring or destroying the [illegible] ernment.

6 Profane swearing, or using [illegible] playing at games or gambli[illegible] to the disturbance of the ot[illegible]

7 Smoking, or supplying to, [illegible] of a prisoner to whom the i[illegible] ed, tobac[illegible] pipes, or other

8 Any other conduct subver[illegible] der, or good government [illegible] punishable by being place[illegible] ment for any period not ex[illegible] a diminution of his rations.

42 Every [illegible] soner who shall b[illegible] offence [illegible] and hereinafter say, —

1 Attemp[illegible] to escape.

2 Conniv[illegible] at, and conceal [illegible] tempti[illegible] escape.

3 Assaul[illegible] any officer of th[illegible] tion to [illegible] punishment to Super[illegible] Courts for such o[illegible] tenced [illegible] punishable by [illegible] for any [illegible] not exceedi[illegible] any one [illegible], and not to be [illegible] terval t[illegible] forty-two days, the whole [illegible] weeks, and [illegible] as mention[illegible] the former

43 Every pris[illegible] who shall be [illegible] offences ne[illegible] hereinafter say, —

1 Mutiny or [illegible] reak.

2 Assaulting an officer, with [illegible] bodily harm.

3 Setting on fire, or attempti[illegible] gaol-building or other prop[illegible] tion to any punishment to [illegible] tenced as above, be punish[illegible] finement for any period not [illegible] days at any one time, and [illegible] a less interval than forty-t[illegible] ceeding six calendar months [illegible] diminished rations.

44 The above p[illegible]nishments may [illegible] Visiting J[illegible]e, upon due [illegible] the commi[illegible] of the offenc[illegible] such punis[illegible]t is awarded

45 Every sentence of punishme[illegible] of the offence, [illegible]hall be enter[illegible] port Book, and signed by t[illegible] such sentence of punishment [illegible] in the Journal.

TO ESCAPE.

his allotted place, while at
escape, or otherwise mak-
escape,, will render himself
he Guard or other person in
y be, and each prisoner is
t if he makes any such at-
is own risk and peril.

TIONS.

s to be as follows: —
lb meat, 1 lb potatoes, 3 oz
oz sugar, ½ oz salt, ½ oz soap,
y.)
lb meat, 1 lb potatoes, 3 oz
oz sugar, ½ oz salt, ½ oz soap,
ter ad libitum.
rdinary hard-labor ration.
dinary ration for prisoners

given as a punishment.
supplied except as above
on the Visiting Surgeon.
y be ordered by the Visit-
necessary for health. But
be given in writing to the
by him.

NG DAYS

of any prisoner awaiting
to visit such prisoner on
e hours of 12 and 2 p. m.,
such times to the Gaoler:
d at no other time, under
. This privilege may be
ct on the part of the pri-

trial is at liberty, between
nd 4 p.m., on any day of
unday, to have private in-
adviser.
person will be allowed to
ithout an order from the
ery such visit must be in
nder, and must not last
utes.

ERS.

al adviser of any prison-
e received and delivered
provided such letters are
y such legal adviser.
write letters once in two
quently if desired, to the
Justice. All letters
oler's hands. Any
establishment, except
sers in
mediate

th GAOL.

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Gaol, and
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shall go
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es, etc.,
d cleanliness is to be en-
every warder or other
ort to the Gaoler every
ed with the prison.
upon the Clergy and
ng their visits to the

sleep out of the Gaol
rity.

egularity, or breach of
, the Gaoler is to report
Visiting Justice.
ll strike (unless in self-
prisoner.

63 No officer of the Gaol shall receive visitors inside the Gaol.

64 No officer of the Gaol shall sell, or have any benefit or advantage from the sale of, any article to any prisoner, nor have any pecuniary dealing or transaction whatever with a prisoner, or employ one in any way in a private capacity.

65 No officer of the Gaol shall receive, either directly or indirectly, any fee or gratuity, either from contractors for the establishment, or from prisoners, or from any person visiting the Prison.

66 No officer of the Gaol shall use tobacco or spirits within the Gaol yards or walls.

67 Any officer of the Gaol seen in the Prison in the least degree intoxicated, or seen gambling will be immediately dismissed.

68 No officer of the Gaol is to converse with prisoners except in discharge of his duty, or on subjects connected therewith.

69 On an alarm being heard, all warders and officers of the Gaol are to turn out fully armed to await the orders of the officer in charge.

DUTIES of WARDERS on GUARD.

70 Warders on guard, unless when acting as overseers, are not to hold any communication with prisoners except on matters of discipline.

71 Warders on guard are never to be without arms, to consist of a musket, bayonet, and pistols, with six rounds of ball-cartridge.

72 Warders on guard are not to allow any prisoner to approach any nearer to them than ten paces, nor to permit any prisoner to go beyond the prescribed limits without the overseer's order.

73 On any prisoner passing, or attempting to pass, the prescribed bounds, it is the duty of the warder on guard to challenge him by calling out "stand prisoner," with the prisoner's name or number. On this challenge being repeated twice, and the prisoner neglecting or refusing to stand, then it shall be lawful for the warder on guard, or other officer, to use his weapons, and in case of inability to prevent escape by other means, to fire on the prisoner to prevent his escaping.

74 On the escape of any prisoner the warder on guard shall give an alarm, but on no account shall he leave the gang without the orders of the Gaoler.

75 Warders on guard are justified in using their arms to prevent prisoners from assaulting each other, or any other person.

76 The warder on guard is to cause a sufficient supply of pure water to be kept near the prisoners for drink.

Warders on guard with each gang are to receive from the Gaoler the number of the gang. They are to count the same at least every half-hour. They are to report to the Gaoler any irregularity in the conduct of the prisoners.

GENERAL REGULAT
WITH

78 A notice-board
place inside
persons
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79 A pro
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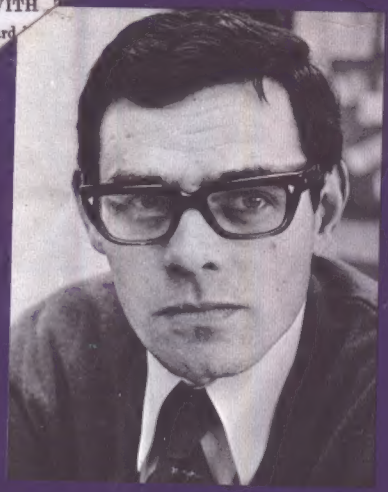
81. T

82



David Gee

The author was born in 1936 near London. He has worked in newspapers for more than 20 years, the last 16 with the *Christchurch Star*.

He writes a weekly column for the paper and has written many articles on Canterbury murders over several years. The story of Lyttelton Gaol became a natural extension of his earlier research.

He has also written fictional short stories for the NZBC and newspapers.

He is now researching more Canterbury crimes – and punishment.

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The first of the four immigrant ships
to reach Canterbury in 1851.
The photograph is from a diorama
at the Canterbury Museum.